

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, ET AL., )  
)  
Plaintiffs, )  
)  
vs. ) CIVIL ACTION NO.  
)  
BRAD RAFFENSPERGER, ET ) 1:17-CV-2989-AT  
AL, )  
)  
Defendants. )

VIDEOTAPED 30(b)(6) DEPOSITION OF GABRIEL STERLING  
(Taken by Plaintiffs)  
February 24, 2022  
9:07 a.m.

Reported by: Debra M. Druzisky, CCR-B-1848

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1 THE VIDEOGRAPHER: All right. This  
2 will be the deposition of Gabriel Sterling  
3 in the case of Curling versus  
4 Raffensperger, File Number  
5 1:17-CV-2989-AT. Today's date is February  
6 24th, 2022, and the time is 9:07 a.m. And  
7 we are on the record.

8 Would the court reporter please swear  
9 in the witness?

10 GABRIEL STERLING,  
11 having been first duly sworn, was examined and  
12 testified as follows:

13 EXAMINATION

14 BY MR. CROSS:

15 Q. Good morning, Mr. Sterling.

16 A. Good morning, Mr. Cross.

17 (Whereupon, a technical discussion  
18 ensued off the record.)

19 BY MR. CROSS:

20 Q. All right. Mr. Sterling, I understand  
21 you've been deposed before, I think relatively  
22 recently, in fact, so this will be similar to your  
23 prior experience.

24 You -- do you understand that you're here  
25 to testify today on behalf of the Secretary of

1 State's office on specific topics that they've  
2 designated you on?

3 A. Yes.

4 Q. Okay. And do you have the Exhibit Share  
5 in front of you?

6 A. I do.

7 (Whereupon, Plaintiff's  
8 Exhibit 1 was marked for  
9 identification.)

10 BY MR. CROSS:

11 Q. Okay. Can you pull up Exhibit 1, please?

12 A. Okay.

13 MR. RUSSO: Hey, David, I don't mean  
14 to interrupt, but I'm just going to raise  
15 one quick issue here. You guys are going  
16 to split, I understand Bruce said you all  
17 are splitting time today?

18 Okay. So you guys figured that out.  
19 I just wanted to make sure it was -- we  
20 were clear that that was our understanding  
21 also --

22 MR. CROSS: Yeah.

23 MR. RUSSO: -- before we got started.

24 Okay.

25 THE WITNESS: I've got Exhibit 1

1 pulled up.

2 BY MR. CROSS:

3 Q. Okay. Have you seen Exhibit 1 before?

4 A. I don't think I've seen this one, no.

5 Q. Okay. All right.

6 A. Not that I recall.

7 Q. Scroll down to -- what page is this, page  
8 numbers. It's Page 8 of the P.D.F. The top of --  
9 the top says Amended Topics. Just tell me when  
10 you've got that.

11 A. I'm there.

12 Q. Okay. Have you seen this list of topics  
13 before?

14 A. Allow me a moment.

15 Q. Sure.

16 (Whereupon, the document was  
17 reviewed by the witness.)

18 BY MR. CROSS:

19 Q. And I can make it easier on you. There  
20 are specific topics in here you've been designated  
21 on. And so if you want to --

22 A. I know. I'm just reading them to make  
23 sure that they're all the ones I already saw. So.

24 Q. Okay. Yeah. Got it. Got it.

25 (Whereupon, the document was



1 reviewed by the witness.)

2 THE WITNESS: Yeah, this essentially  
3 comports to the list I've -- I remember  
4 looking over, so yes.

5 BY MR. CROSS:

6 Q. Okay. So just so we're on the same page,  
7 if you look at topic one.

8 A. Let me scroll back up to it. Bear with  
9 me.

10 Q. Okay.

11 A. The one listed as implementation and  
12 operation of Georgia's yadda, yadda, yadda?

13 Q. Yes, sir.

14 A. Okay.

15 Q. Look at that, you'll see topics A, B, C  
16 and E, and H. Are you prepared to testify on those  
17 topics today? So it's A, B, C, E and H.

18 (Whereupon, the document was  
19 reviewed by the witness.)

20 THE WITNESS: Yes.

21 BY MR. CROSS:

22 Q. All right. And then if you look at topic  
23 two, are you prepared to testify on topic 2(c) to  
24 that?

25 (Whereupon, the document was

1 reviewed by the witness.)

2 THE WITNESS: Yes.

3 BY MR. CROSS:

4 Q. And then are you prepared to testify on  
5 all the other topics here except for 16?

6 A. Yes.

7 Q. Okay. And on 16, are you prepared to  
8 testify at least as to documents that you're  
9 familiar with, such as E-mails you sent or  
10 received? Is that fair?

11 A. Hold on a second. I'm having a -- there.  
12 I had to blow the screen back up.

13 Ask that question again. I apologize. I  
14 was having a technical issue.

15 Q. Sure. On 16 it just involves documents  
16 that were produced in discovery by the State  
17 defendants, and they said it was a case-by-case  
18 basis.

19 But I assume you're prepared today to  
20 testify about documents that you're familiar with,  
21 like E-mails that you sent or received. Is that  
22 fair?

23 A. Yeah. Sure.

24 Q. Okay. All right. We'll come back to  
25 this.

1 maybe 500 to a thousand dollars more a month was  
2 what I was actually going to be able to take home  
3 based on all those things.

4 Q. And when you came back as C.O.O., did you  
5 come back to the salary you had when you left or  
6 did you have a different salary?

7 A. I think it was slightly higher, like 124  
8 or something like that.

9 Q. 124,000?

10 A. I believe so, yeah. I can't recall right  
11 now. It's been over a year.

12 Q. And so what was it before you became the  
13 implementation manager?

14 A. Again, I think it was, like, 115,  
15 something like that.

16 Q. All right. Thank you.

17 A. I could be off a little bit one way or the  
18 other, but those basic numbers are probably right.

19 Q. All right. And just briefly on your  
20 education, your degree is in political science, not  
21 computer science; is that right?

22 A. Yes.

23 Q. Okay. Do you have any formal education in  
24 computer science?

25 A. Formal education? No, no formal education

1 other than the fact that I'm 51 years old and been  
2 in and around computers since I was 12 years old,  
3 you know, like anybody born in the early '70s who  
4 came up at the time when we started doing those  
5 things.

6 Q. I see you worked on the Bush/Quayle  
7 campaign in '92.

8 A. Yes, I did. I was 21 years old.

9 Q. I worked on that campaign in South  
10 Carolina.

11 All right. You're familiar with an  
12 election security expert named Alex Halderman;  
13 right?

14 A. I'm aware of him, yes.

15 Q. And you're aware that Dr. Halderman  
16 prepared a report that he produced on July 1 of  
17 last year involving his assessment of Georgia  
18 voting equipment that was provided by Fulton  
19 County; is that right?

20 A. I didn't know it was provided by Fulton  
21 County. I was aware that there was a report that  
22 he did, and I did not know that it was July, but I  
23 know that there's a report that was produced.

24 Bear with me a second, because I'm stuck  
25 on this exhibit still. I can't figure out how to

1           A.    I guess I would probably have to call him  
2           and ask him.  It didn't occur to me to ask him  
3           beforehand.

4           Q.    And has Jordan Fuchs read the report?

5           A.    As I stated, the only person I'm aware of  
6           reading the report in our office is Ryan Germany.

7           Q.    And so in preparation for today's  
8           deposition, you didn't ask anyone in the office  
9           other than Mr. Germany whether they had read this  
10          report; is that right?

11          A.    I didn't ask Mr. Germany.  He informed me  
12          a couple weeks ago when he read it, I believe.  So  
13          it wasn't a question of me asking him if he had  
14          done it.  He said, hey, I read it.  I said, oh,  
15          okay.

16          Q.    So in preparation for today, you didn't  
17          ask anyone at all whether they had read it?

18          A.    No.  I wasn't under the impression I would  
19          need to.

20          Q.    Okay.  Don't you need to understand the  
21          specific vulnerabilities identified in the report  
22          to be sure that you mitigate them?

23          A.    Me personally?  I don't think that I would  
24          need to, because that's not necessarily my role.

25          Dominion, who is our contractor, we have a contract

1 list to keep up with security protocols, and it  
2 calls for them to do those kind of things and  
3 mitigate any things they become aware of.

4 Q. Right. Remember, you're testifying today  
5 as the Secretary's office, and that includes on  
6 election security. So my question to you is --

7 A. And again -- sorry. Go ahead.

8 Q. Yeah. My question is, doesn't the  
9 Secretary's office need to understand the specific  
10 vulnerabilities in order to make sure they mitigate  
11 those vulnerabilities?

12 A. I think we would always look to mitigate  
13 any vulnerabilities we become aware of. But it's  
14 also the responsibility of the person that we've  
15 contracted with to inform us and to make those  
16 mitigations necessary. If there seems to be  
17 process changes, then they would bring those to us  
18 as well.

19 As you understand, this -- these are very  
20 complicated things we have to do. We have to go  
21 through reprogramming potentially. And if they do  
22 have to do changes, it has to go through E.A.C.  
23 certification. And then we would probably have to  
24 send it through our own certification again if  
25 there was any changes that were done.

1 Q. Does that surprise you, sir?

2 A. I don't -- again, I'm not sure that's the  
3 case, so I -- I don't know.

4 Q. Okay. So as you sit here today testifying  
5 on behalf of the Secretary's office, you can't say  
6 one way or the other whether the specific  
7 vulnerabilities in Dr. Halderman's report have been  
8 mitigated in any way because you don't actually  
9 know what they are; right?

10 A. Yeah. I don't know if they exist.

11 MR. BARGER: And David, I mean, I --  
12 what topic does that go to? We're getting  
13 somewhat outside the scope, I think, of  
14 the 30(b)(6) topics.

15 BY MR. CROSS:

16 Q. So Mr. Sterling, you said that bad actors  
17 doing bad things. I want to make sure I understand  
18 that. What do you mean, what relevance does that  
19 have to Dr. Halderman's report?

20 A. I was saying in general I've heard  
21 election security experts, Halderman and others.  
22 Nearly everything I've read or seen from anybody on  
23 that front involves having a bad actor having  
24 access to things they shouldn't legally or by rule  
25 have access to to do things they shouldn't legally

1       which are much more easily reproducible than  
2       something onsite of a B.M.D. I know less about  
3       D.R.E.s, honestly, but B.M.D.s is what I know more  
4       about.

5           Q.     And when you say, you mentioned  
6       hand-marked paper ballots are more reproducible,  
7       what does that mean?

8           A.     I mean, if somebody wanted to do something  
9       untoward, it would be easier to take a hand-marked  
10      paper ballot, or a stack of them and -- or even  
11      voted ones and double bubble things so that --  
12      throws votes out.

13                That's a much easier thing to do if you  
14      have somebody who is a bad actor again, who is  
15      inside the -- who's inside the castle walls, for  
16      lack of a better word.

17                So that's what I mean by that. I mean,  
18      there's vulnerabilities to every system, and  
19      that's -- it's frankly easier in many ways to do  
20      that with hand-marked paper ballots than it is on a  
21      B.M.D. ballot.

22           Q.     But you understand that an insider who  
23      alters hand-marked paper ballots, it would take  
24      hours for them to alter any significant number of  
25      hand-marked paper ballots if they wanted to alter,



1 say, thousands to swing an election; whereas, with  
2 malware, they could get that on the election system  
3 in a matter of minutes in the voting booth with a  
4 U.S.B. stick and alter tens of thousands or  
5 millions of votes, wouldn't they?

6 A. I mean, that's --

7 MR. RUSSO: Objection to form.

8 THE WITNESS: No, I don't agree with  
9 that, actually, honestly, because that's  
10 not how the systems are set up.

11 BY MR. CROSS:

12 Q. How so?

13 A. The possibility of getting a single stick  
14 into a single B.M.D. and affecting millions of  
15 votes is physically impossible.

16 Q. What's the basis for that understanding?

17 A. Because a B.M.D. is a -- is simply a  
18 printer. That's all that it does. And it's  
19 applied to one printer at a time. So it doesn't --  
20 they don't talk to each other in the middle of  
21 these things, I mean.

22 And then we have 159 different counties  
23 with 30,000 different B.M.D.s. It would require a  
24 Herculean effort to go and do that. That's my  
25 point, is that it would be physically easier to

1 alter hand-marked paper ballots in large numbers in  
2 a back room somewhere than it ever would be to do  
3 something to a B.M.D. from everything I've seen of  
4 how these things would have to function, especially  
5 considering the regulations and testing around  
6 them.

7 I mean, you have L & A testing before each  
8 and every one. After the last election we had hash  
9 testing of several -- in several different counties  
10 to make sure there wasn't anything that had been  
11 changed.

12 And in the L & A testing, we know we have  
13 very robust L & A testing in the fact that it  
14 caught a couple of issues in both Douglas and  
15 Richmond County on the November election ballot  
16 having to do with the United States Senate race.

17 So I do, I disagree vociferously with the  
18 idea that somehow it is easier to do. And I  
19 believe, in my review for some of these items, that  
20 even one of your own experts said it would be  
21 easier to go after the scanners than to go after  
22 the B.M.D.s.

23 Q. Where did you read that one of our experts  
24 said it's easier to go after a scanner than a  
25 B.M.D.?

1 Q. Okay. You mentioned L & A testing. Are  
2 you aware that multiple election security experts  
3 have testified in this case that L & A testing  
4 cannot detect malware?

5 A. No.

6 MR. RUSSO: Objection to form.

7 THE WITNESS: No.

8 BY MR. CROSS:

9 Q. You mentioned hash testing. Are you aware  
10 that multiple election security experts have  
11 testified that hash testing cannot detect malware?

12 A. No. And I -- from what little I do know  
13 about computer security from my learning over the  
14 last few years, that would be very difficult unless  
15 the people were -- it would take a her -- it would  
16 take a large effort to do -- to get around hash  
17 testing.

18 Because usually, if you change any  
19 particular number or letter or anything in code, if  
20 you use the proper third-party hash testers, you  
21 should -- you should be able to get around them.  
22 So I don't know that I agree with that even if your  
23 experts say that, because I'm sure there are  
24 experts that believe otherwise.

25 Q. Is there any identi -- any cybersecurity

1 expert you can identify today that says that hash  
2 testing is a reliable way to determine whether a  
3 software has been compromised with malware?

4 A. No. But again, it's not my role  
5 necessarily to know that.

6 Q. Okay. Whose role is it at the Secretary  
7 of State's office to know that?

8 A. Nobody. It's supposed to -- you're asking  
9 me to prove a negative against something else  
10 that's said. So I'm not going to dual about that  
11 right now.

12 It's, you know, security is always a --  
13 one of the highest hallmarks we have right now, and  
14 we discuss it weekly internally on how we're  
15 dealing with things. And most of that security  
16 comes down to physical security, processes and  
17 training. So that's, that's how we focus on it.

18 The computer side of it is really going to  
19 be our systems managers and then dealing with  
20 Dominion. Because again, under our State contract,  
21 Dominion has the responsibility to keep their, we  
22 called it future proofing when we were negotiating  
23 the thing, to inform us of vulnerabilities and also  
24 stay ahead of those vulnerabilities if they are  
25 identified.

1 Q. Well, throughout this case, including  
2 yourself, the Secretary's office typically mentions  
3 L & A testing and hash testing when we talk about  
4 looking for malware on machines.

5 So my question to you is, who at the  
6 Secretary's office is responsible for understanding  
7 whether those tests can actually reliably identify  
8 malware in voting equipment? Who has that  
9 responsibility?

10 MR. RUSSO: Objection to form.

11 THE WITNESS: Essentially, it's the  
12 responsibility of the office and the  
13 elections division and the people managing  
14 the contract with Dominion.

15 We have contractors who have  
16 responsibilities who are not necessarily  
17 employees of the office for many things  
18 across the agency. We -- our C.I.O. is a  
19 contractor.

20 We have some -- we have a -- right  
21 now I believe it's one cybersecurity. We  
22 have an opening as well for another one  
23 over our election system that's mainly for  
24 our side.

25 We had to look over the voter

1 registration system, because that's  
2 something we directly control, versus  
3 right now Dominion, they own their  
4 software, they -- you know, and we own the  
5 equipment and everything, but it's their  
6 job to work with us in tandem, because  
7 that's what contractors do, to make those  
8 things work properly and as safely as  
9 possible.

10 (Whereupon, Ms. LaRoss joined the  
11 deposition.)

12 BY MR. CROSS:

13 Q. But the only --

14 A. And one other thing I left out, let me  
15 finish up the answer, another reason that we know  
16 that there was no malware, at least in the 2020  
17 election, was we did a hand tally that showed that  
18 the machines counted the ballots as they were  
19 presented.

20 Q. We'll come back to that.

21 And just so I understand, you think the  
22 hand tally that you did in 2020 shows that the  
23 machines were not compromised in any way?

24 A. Absolutely.

25 Q. And what's the basis for that belief?

1           A.    Because we did a hand tally that showed  
2   that the machine count matched the human count. I  
3   mean, we were off by point 1053 percent in the  
4   overall totals and off by point 0099 percent in the  
5   margin between those two things, which is well,  
6   well, well below the normal amount of difference  
7   you see in a hand count.

8                If I remember, there was a, I want to say  
9   it was University of Wisconsin, but I can't recall  
10   exactly right now, study that basically says, when  
11   you do hand tallies of elections, you usually  
12   expect there to be a 1 to 3 percent deviation just  
13   because human beings are counting it versus  
14   machines.

15              And in this particular case, too, you had  
16   for all the hand-marked paper ballots, anything  
17   that had questionable marks had to go through human  
18   beings again, which they might come to a slightly  
19   different conclusion than they did the first time  
20   with those particular bipartisan review committees.  
21   So that could move part of that as well.

22              But being that close point 1053 percent in  
23   the total ballots cast and point 0099 percent in  
24   the margin essentially shows me that the machines  
25   counted exactly as they were marked and read by

1 those individuals.

2           Secondarily to that, and this will  
3 probably go to one of your other questions here, we  
4 did work with the Center for Innovation Election  
5 Research and the University of Georgia to do  
6 studies to look at reviews of ballots, and we saw  
7 that, at a minimum, 24 or 25 percent of people were  
8 actually taking time to review their ballots.

9           So if there had been anything in the  
10 middle of the election, we would have had more  
11 people going to their poll workers saying, there's  
12 a problem here. And we saw none of that anywhere  
13 in the State of Georgia in any county at all.

14                     (Whereupon, Mr. McGuire joined the  
15 deposition.)

16 BY MR. CROSS:

17           Q.     The 24 to 25 percent of voters that are,  
18 you said, taking time to review ballots, that was  
19 as --

20           A.     Yes.

21           Q.     -- little as one second, wasn't it?

22           A.     Yes.

23           Q.     And you think that a voter can reliably  
24 review a ballot in only one second?

25           A.     I think, if they review over it and



1           A.     We're agreed that they can't --

2                   MR. RUSSO:   Objection to form.

3                   THE WITNESS:   We agree that they  
4                   can't know what the tabulation is on a  
5                   hand-marked paper ballot either.

6   BY MR. CROSS:

7           Q.     Okay.   So it's your view that using a Q.R.  
8                   code is no different than voters using hand-marked  
9                   paper ballots for tabulation purposes?

10          A.     It's not no different, because it's  
11                  obviously physically different.   It also has a  
12                  situation where it is much more likely to have  
13                  something go wrong on a hand-marked paper ballot  
14                  where there might be stray marks and accidental  
15                  bubbling in on the same line.   We've seen in the  
16                  past over-votes and under-votes based on that.

17                   So I believe it's actually riskier for  
18                   voters to use hand-marked paper ballots than it is  
19                   to use a B.M.D. ballot, yes.

20          Q.     Are you familiar with an election security  
21                  expert named Michael Shamos?

22          A.     No.

23          Q.     You're not aware the Secretary's office  
24                  hired him as an expert in this case, offered him up  
25                  as testimony as an election security expert?

1 A. No.

2 Q. No one ever told you that Michael Shamos  
3 testified in the summer of 2019 before the  
4 Secretary announced the B.M.D. system that you  
5 should not use B.M.D.s with Q.R. codes?

6 A. No. And let's be aware of something here.  
7 I mean, the Secretary didn't announce the B.M.D.  
8 The State legislature after, you know, several  
9 years of review after the S.A.F.E. Commission  
10 passed legislation HB 316 to basically mandate the  
11 use of a B.M.D.

12 Q. But they did not mandate the use of Q.R.  
13 codes, did they, sir?

14 A. They did not.

15 Q. That's a decision that the Secretary's  
16 office made in choosing the Dominion system over  
17 non-Q.R. code options; correct?

18 A. As I understand it, the two final bidders  
19 were both using Q.R. codes. So we really didn't  
20 have much of a decision on that.

21 Q. Well, you narrowed down to the final  
22 bidders, but there was a bid that came in from a  
23 provider that did not use a Q.R. code; correct?

24 A. That was under the Georgia procurement law  
25 well out of bounds of an ability to be a person in

1           Q.     So you're saying, even if you'd been aware  
2     of Dr. Shamos's testimony, you would have adopted a  
3     system that your own election security expert  
4     advised against?

5           A.     Mr. Cross, I did not say that. What I  
6     said is the laws demanded that we have -- we're  
7     down to the last two bidders, and the only two  
8     bidders that were qualified had a Q.R. code in it.

9           Q.     But if you had known going into that  
10    process that your own election security expert  
11    advised against Q.R. code, then you could have made  
12    a deliberate decision to seek bids only from  
13    providers that had a non-Q.R. code option; right?

14           MR. RUSSO:   Objection to form.

15           THE WITNESS:   The decision of one  
16    individual, whether they were our expert  
17    or somebody else's expert, cannot outweigh  
18    the myriad of decisions around how you  
19    have to do -- implement a system this size  
20    and scope and a unified system in the  
21    State of Georgia.

22           It would have been potentially  
23    something else to take into account. You  
24    could have maybe had some additional  
25    points for that. And in fact, for all I

1           Those are the facts, are they not, sir?

2           A.    They are not. I did not adopt it. The  
3   state legislature adopted it, Mr. Cross. The  
4   Secretary of State's office didn't adopt it. We  
5   supported it, but it was the state legislature who  
6   adopted it. And then, following Georgia  
7   procurement law, we procured a system following the  
8   law.

9           Q.    Are you familiar with an election security  
10   expert named Dr. Juan Gilbert?

11          A.    The name, but I don't know much about him,  
12   no.

13          Q.    Are you aware that he is another election  
14   security expert the Secretary's office has brought  
15   to testify into this case?

16          A.    That might be why I'm aware of his name.

17          Q.    Are you aware that Dr. Gilbert testified  
18   under oath that he wanted -- if he wanted to have a  
19   cybersecurity assessment done of voting  
20   equipment --

21               MR. RUSSO: Objection to form.

22   BY MR. CROSS:

23          Q.    -- Dr. Halderman and Dr. Andrew Appel are  
24   the two experts he would ask to do that? Have you  
25   heard that before?

1           A.    I apologize. My learned counsel objected  
2           in the middle of your question. Can you repeat the  
3           question for me, please?

4           Q.    Sure. Sorry. Let me do that again.

5                   Are you aware that Dr. Gilbert, the  
6           elect -- the Secretary's own election security  
7           expert testified that, if you wanted to have a  
8           cybersecurity assessment done of voting equipment,  
9           there are two experts he would ask to do that,  
10          Dr. Alex Halderman and Dr. Andrew Appel?

11                   Had you heard that before?

12          A.    No. But I do want to ask a question.  
13          When you say "voting equipment," to what is he  
14          and/or you referring to?

15          Q.    Cybersecurity assessment of voting  
16          equipment just like that used in Georgia.

17          A.    Well, when you say "equipment," there's  
18          lots of different pieces. Every single piece of  
19          equipment we're talking about or, I mean, what  
20          specifically was he referring to or do you know?

21          Q.    The voting machines, like, the B.M.D.s.

22          A.    Okay. Then no, I'm still not aware of  
23          that, no.

24          Q.    But you publicly said that Dr. Halderman's  
25          report looking at the Fulton County equipment were,

1 in your words, a "load of crap." Right?

2 A. Yes.

3 Q. And do you still believe that?

4 A. From what I understand of it, again, I  
5 haven't read the report, but what I've seen of  
6 Dr. Halderman -- and this is the situation in many  
7 people, and I said earlier on, if you're looking at  
8 any system that has a computer in it from a solely  
9 one position, not usability, not functionality, not  
10 the ability to get the actual job done, but  
11 security, security, security, we'd get the most  
12 secure system in the world that no human being  
13 could run or you could have the easiest system in  
14 the world that was open to every cyber thing in the  
15 world, it's always going to be a balancing act in  
16 those things.

17 And I think it's important to have people  
18 who are viewing it from one thing, and one thing  
19 only, like the cybersecurity side. But they are  
20 not the controlling factor in all things.

21 The same way I wouldn't have, you know,  
22 somebody who was a voting advocate say you can't  
23 have voter registration, you can't have voter ID,  
24 you can't have all those things, because that's  
25 what they want to make it easy to vote.

1           So when you look at it from a single  
2       prism, yes, there's -- you're going to -- you're  
3       going to find more identifiable issues potentially  
4       because it's what you are trained to go after.

5           But it all has to be balanced out to it be  
6       usable, follow the law, and so have voters be able  
7       to function in it and have counties and the county  
8       workers be able to use it.

9           Q.     So what's the basis for your public claim  
10      that Dr. Halderman's report is a load of crap when  
11      you, yourself, have not read it and are not  
12      familiar with it?

13          A.     Because what I said, as I've said  
14      previously, I've seen the cyber experts before, and  
15      they nearly always have to do with bad actors. And  
16      what I mean by "load of crap" is that the  
17      vulnerabilities that exist potentially from  
18      whatever report they do are the same for any system  
19      in the world that uses a computer.

20                 And therefore, if the -- if your way to  
21      mitigate that is to stop using computers  
22      altogether, it's not a reasonable thing to do. If  
23      the -- and it's the same way it's not reasonable to  
24      say you can't have voter registration, you can't  
25      have signature matching, you can't have voter ID on

1 the other side, you want to have security that way.

2 That's what I mean by it's a load of crap,

3 because it's not unique to any particular system.

4 It would be the same for nearly every system.

5 Would the vulnerabilities be slightly different

6 because of the configurations of any particular

7 system? Of course they would.

8 But overall, we have mitigations, we have

9 policies and we have procedures that would mitigate

10 most things that I was already aware of. And if

11 there's something else that has to happen, then

12 under a State contract Dominion would have to take

13 steps to mitigate many of these things.

14 And I've seen no real evidence yet of

15 anybody making a claim anything has actually

16 happened. And there's always, like I said, in any

17 system there's going to be vulnerabilities, but you

18 have to have training and you have to have policies

19 and procedures and, you know, testing where you can

20 that can mitigate those items.

21 And I just -- I know you asked me not to

22 go into long speeches, but I'm trying to answer

23 your question as best I can.

24 I was asked that question in a public

25 forum by a Democrat from my home town, and at that



1 point I was kind of irritated because I believe  
2 some of these cyber experts, you know, yes, guess  
3 what, there -- every computer in the world can be  
4 reprogrammed to do something just about. That's  
5 what they're pro -- that's what they're there for.

6 I mean, the Dominion machines, the touch  
7 screens started out life as a point of sale thing  
8 inside restaurants. That's what they started off  
9 as. A printer is just a printer.

10 I mean, so when I say it was a load of  
11 crap, it was my fast and relatively punchy way of  
12 answering it in a public forum. If I was sitting  
13 down doing a longer testimony talking about it, I  
14 would give more context like I just have here.

15 Q. Is it your view that the vulnerabilities  
16 Dr. Halderman has identified are not a  
17 significant -- are not a significant concern  
18 because there are measures that prevent what you  
19 call bad actors from doing bad things with the  
20 system?

21 A. I can't speak directly to the report or  
22 the vulnerabilities because, again, as you pointed  
23 out, I haven't read the report yet, as I said  
24 earlier. So I don't know honestly or not, or if  
25 they're the same kind of things that were

1 identified in the earlier review by the E.A.C. I  
2 mean, they could be similar. I don't know.

3 Q. But isn't it important for the Secretary's  
4 office to figure that out, whether the  
5 vulnerabilities Dr. Halderman has identified,  
6 whether they can't -- cannot be exploited because  
7 there are mechanisms in place to prevent that?

8 Shouldn't the Secretary's office know  
9 that?

10 A. At the end of the day, working with  
11 Dominion I believe that we will. Of course,  
12 litigation tends to complicate things and make  
13 things more difficult for us to actually do our  
14 jobs in many ways.

15 And I would like to -- at the end of the  
16 day, after all this is done, we always focus on  
17 security. We will always work with our partner to  
18 be as secure as we can and have as an up-to-date a  
19 system as we can.

20 But I can't speak directly to  
21 Dr. Halderman's report as I have not read it yet.  
22 And you pointed out, Mr. Germany in our office has,  
23 but I'm not aware of anybody else that has yet.

24 Q. You said litigation complicates things.  
25 But the only reason that there is a forensic

1 Q. Maybe you should talk to Mr. Poulos about  
2 that.

3 All right. To come back to this issue of  
4 bad actors, are you aware that one of the positions  
5 that the State has taken in our case, including  
6 through their experts, is that hand-marked paper  
7 ballots present a serious security challenge  
8 because of what the State calls insiders that can  
9 manipulate those ballots?

10 A. Not specifically. But in general, I'm  
11 aware of that, yes.

12 Q. So doesn't the same concern apply to the  
13 B.M.D.s, that if you cannot trust your election  
14 workers and others who have access to the ballots,  
15 don't you have the same concern for those same  
16 people when they have access to B.M.D.s?

17 A. I think the same concerns would go in all  
18 directions. And I think it's -- functionally  
19 requires less technical know-how to spoil or do  
20 multiple hand-marked paper ballots than it would to  
21 work on a B.M.D., and essentially, especially since  
22 B.M.D.s are used in two particular locations.

23 They are used for early voting in advance  
24 and in-person voting where there would be a lot  
25 more individuals around outside of the bad actors.

1 Hand-marked paper ballots taken into a back room  
2 could be produced in a much more, you know, ready  
3 way than what's done in a scanner on the day of.

4 So yeah, I see what you're saying. But  
5 again, it's sort of apples and oranges because of  
6 the use and deployment of the two systems.

7 Q. Are seals on the B.M.D.s, is that one of  
8 the security measures that you have in mind to  
9 prevent exploitation of vulnerabilities?

10 A. Yes.

11 Q. And --

12 A. That's one of them.

13 Q. Would it be appropriate to use B.M.D.s in  
14 an election if the election workers, when they  
15 pulled out the B.M.D.s to use them, say, found that  
16 the seals were missing or broken?

17 A. It depends, honestly. If the way they  
18 were stored they were broken sitting there because  
19 of the way they stored them -- I'm not going to try  
20 to answer a hypothetical like that because it's  
21 just too broad.

22 Q. Well, what is -- what is the -- well, I  
23 guess I'll ask a different question.

24 Does the Secretary have guidance for the  
25 counties, a written policy that says, if you

1 discover B.M.D.s that have broken or missing seals,  
2 here are the specific steps you should take to  
3 determine whether to use those in an election?  
4 Does that exist?

5 A. I don't know if it's a specific of if it's  
6 broken do this, but I think that's to say you have  
7 to record those seals on the -- those -- the  
8 close-out forms that you have. So I don't think  
9 it's a specific thing other than I think -- and  
10 again, this is me -- I don't want to speculate.

11 But in seeing some of the training,  
12 basically, if you see something that's broken or  
13 not correct or the numbers are off, you report it  
14 to the higher-ups eventually.

15 And again, the counties are running these  
16 elections. They don't come back to the State and  
17 do a lot of these things except on the final forms  
18 they were turning in is my understanding.

19 Q. You mentioned that the hand tally  
20 validated that the machines were not compromised in  
21 the 2020 election. But the hand tally was only  
22 done on the presidential election; right?

23 A. That's correct.

24 Q. So there's no hand tally that validates  
25 that there was no compromise for down ballot

1 elections, like the Senate election; correct?

2 A. That's correct.

3 Q. Were you aware --

4 A. At the same time, there's no evidence that  
5 anything -- if you look at -- you saw my degree's  
6 in political science. Nothing that we saw looked  
7 untoward or out of place and looked relatively  
8 normal in the scheme of how the State has been  
9 going for the last few years.

10 So I didn't -- there's no need -- belief  
11 on my side that anything was compromised. And  
12 because the presidential race was the highest  
13 profile one that was so close, I have no reason to  
14 believe that the rest of the ballot wasn't correct.  
15 But you're right, we have not done a hand tally on  
16 every other thing as well.

17 Q. Are you aware that, in December of 2020,  
18 Dr. Halderman in a hearing showed that he was able  
19 to hack the B.M.D. equipment for Fulton County in  
20 only three days to change the Q.R. code on a ballot  
21 so the Q.R. code would have a different tabulation  
22 than what the voter would read?

23 Had you heard that before?

24 A. The specifics of what you just laid out,  
25 not exactly. But I knew there was some period of

1 time he was able to do that, yes.

2 Q. And did the Secretary's office take any  
3 specific steps to protect against that  
4 vulnerability in the 2020 or subsequent elections?

5 A. Well, in September we were probably -- we  
6 were getting ready for early voting. We, again, we  
7 did the L & A testing.

8 We can't go through, since I don't even  
9 know if we were aware of what he's claiming to be  
10 hacked or having done it -- because I don't know  
11 that our side got to see what his full claim was or  
12 even the path by which he did it. I just, I'm not  
13 aware if we have that information or not. So it's  
14 hard to mitigate against something if you don't  
15 have the details of it, A.

16 And B, we have no reason to believe that  
17 that occurred. And having somebody have access for  
18 three days would kind of be noticed in most  
19 situations in most of our counties, especially as  
20 we were doing the run-up to get to. We were  
21 already involved at that point in the absentee  
22 ballot processing. So it would -- we were in  
23 election mode then.

24 So the -- we did not do anything specific  
25 because there wasn't anything specific that we were

1 Doing it to 30 some odd thousand of them is  
2 something different, especially considering you  
3 have -- there's different paths and different  
4 passwords and different pass codes for all of those  
5 things.

6 Q. So just so we're clear, there are no  
7 specific steps that you can identify the  
8 Secretary's office took to mitigate against the  
9 hack that Dr. Halderman demonstrated in September  
10 of 2020, there's nothing specific to that; right?

11 A. Nothing specific to that because we  
12 already have equipment handling rules around those  
13 things that, if a B.M.D. went missing for three  
14 days, it would normally, from my point of view,  
15 have been noted by the elections director in  
16 whatever county that occurred.

17 Q. But again, but as you pointed out before,  
18 we have to worry about insiders, degrees in the  
19 State that said they don't want to use hand-marked  
20 paper ballots as the primary means of voting.

21 You wouldn't notice if an insider who  
22 already has authorized access to a B.M.D. did  
23 something to it; right?

24 A. I believe you're twisting my words. My  
25 point was, in any system an insider can cause



1 problems, period. We have no reason to believe  
2 that there are negative insiders that exist in any  
3 of our counties right now. But of course, if there  
4 are bad guys, they may not want you to know that.

5 But again, we've seen no -- there's  
6 nothing indicating that anywhere that we've seen in  
7 my three years in the office.

8 Q. So then we need not worry about insiders  
9 engaging in bad acts as a reason not to adopt  
10 hand-marked paper ballots, we're agreed on that;  
11 right, sir?

12 A. No. What I said was it's easier if there  
13 is somebody to do it that way than the other way.  
14 I believe this is a safe -- is a high -- B.M.D.s  
15 are safer and better for the voters and also have a  
16 level -- added level of security that is more  
17 difficult to do things along the lines of hacking  
18 thousands and thousands of B.M.D.s versus having  
19 stacks of ballots you go through and mark or you  
20 have stacks of ballots that are voted and double --  
21 basically cancelling out votes by putting multiple  
22 marks into a single line.

23 All of them have vulnerabilities. You  
24 have to have systems in place to try to mitigate  
25 them regardless.

1 (Whereupon, a discussion ensued  
2 off the record.)

3 (Whereupon, there was a brief  
4 recess.)

5 THE VIDEOGRAPHER: All right. We're  
6 back on the record at 10:24.

7 (Whereupon, Plaintiff's  
8 Exhibit 3 was marked for  
9 identification.)

10 BY MR. CROSS:

11 Q. Mr. Sterling, grab Exhibit 3, please, if  
12 you would.

13 A. Okay. Which page would you like to focus  
14 on?

15 Q. Well, we're going to look at a number of  
16 pages. But do you have Exhibit 3 in front of you?

17 A. Yes, I do.

18 Q. And do you recognize this as portions of  
19 Secretary Raffensperger's book called Integrity  
20 Counts?

21 A. I read it once a while back, so I'm a --  
22 this looks like it, yes.

23 Q. Did you assist at all in preparing this  
24 book?

25 A. In some specific parts, yeah.

1 Q. How so?

2 A. I was asked for specifics on certain -- I  
3 couldn't tell you exactly. I mean, what happened  
4 on this date, I believe that kind of thing. It was  
5 sort of in a general way.

6 Q. Did you write any portions of it or --

7 A. No.

8 Q. -- or edit?

9 A. I'm not that good. No, I did not write  
10 any portion of it.

11 Q. Okay. But you read drafts of excerpts  
12 before it went out, and your views were requested;  
13 is that generally right?

14 A. My views were not requested, no. It was  
15 more about specifics of, you know, act -- questions  
16 of fact on those kind of things, making sure that  
17 those were more properly vetted.

18 Q. Okay. All right. So if you go down to  
19 the bottom of each sort of P.D.F. page, you'll see  
20 that there is a book page, we'll say, like, Page X  
21 of 240.

22 A. Uh-huh.

23 Q. Scroll down to where it says Page 46 of  
24 240, please.

25 A. Okay.

1 Q. Just let me know when you've got it.

2 A. I'm there.

3 Q. Okay.

4 A. If you want me to read it real quick or...

5 Q. Well, for -- I want to make sure to give  
6 you context. So if you start at Page 45 of 240 --

7 A. Oh. Okay.

8 Q. -- look at the bottom of the left-hand  
9 column. Do you see that Mr. Raffensperger writes:  
10 "Every politician has a stump  
11 speech, and mine went something like  
12 this"?

13 And then what follows in italics is --

14 A. Yes.

15 Q. -- the stump speech for Mr. Raffensperger?  
16 If you come to the top of Page 46 of 240,  
17 you see here he writes that in a stump speech he  
18 said:

19 "As we change over to new voting  
20 machines, Georgia has a once in a  
21 lifetime opportunity to create a  
22 process that is objectively fair and  
23 yields an outcome that Georgians,  
24 individually and as a whole,  
25 subjectively trust."

1 Do you see that?

2 A. Yes.

3 Q. And do you agree with that assessment?

4 A. Yes.

5 Q. And why is it important for Georgians  
6 individually to subjectively trust the voting  
7 machines and the election process in Georgia?

8 A. It's important for Georgians and every  
9 American to have an implicit trust in the election  
10 system to pick our leaders. If you erode that  
11 trust, then the elections and the faith in  
12 elections falls apart.

13 Q. Why is that?

14 A. If you can't trust the outcomes of  
15 elections, then what's the point of elections?

16 Q. All right. Come down to the next page, 47  
17 of 240.

18 A. Uh-huh.

19 Q. And do you see at the bottom of the  
20 left-hand column he refers to an op ed that he  
21 wrote?

22 A. Yes.

23 Q. And then portions of that op ed are in  
24 italics on Page 47. Do you see that?

25 A. Yes, sir.

1 Q. And if you come to the right-hand column,  
2 do you see the paragraph that begins:

3 "It is through voting that we  
4 actually live the proposition that we  
5 are all equal"?

6 Do you see that?

7 A. Yes.

8 Q. And here Secretary Raffensperger wrote:

9 "Every registered voter gets one  
10 vote. Bill Gates gets one vote. The  
11 19-year-old college student gets one  
12 vote. And thus we reaffirm, as  
13 regularly and as often as every  
14 election season, the idea that makes  
15 us one. We are all equal before the  
16 law. We all count. We all have a  
17 voice."

18 Do you see that?

19 A. Yes.

20 Q. And do you agree with that assessment?

21 A. Yes.

22 Q. And what -- why is it important for an  
23 individual voter's voice to be heard in an  
24 election, as Secretary Raffensperger describes  
25 here?

1           A.    Because it's the foundational section of  
2   our democratic republic.

3           Q.    Okay.   And then if you come to the next  
4   paragraph, he wrote:

5                    "My view is that this election is  
6                    about using this unique and historic  
7                    opportunity to create a voting system  
8                    that is modern, efficient, accurate,  
9                    secure, safe, verifiable, fair,  
10                   accessible and trustworthy."

11                   Do you see that?

12           A.    Yes.

13           Q.    And do you agree with him on that?

14           A.    Yes.

15           Q.    Just to go back briefly to a subject we  
16   talked about earlier, the hand tally that was done  
17   with the presidential election in 2020, there was  
18   no effort made to determine whether the Q.R. code  
19   on any individual ballot actually corresponded to  
20   the human readable portion of that ballot.

21                   Do I understand that right?

22           A.    Restate the question for me, please.

23           Q.    Sure.   In the hand tally that you referred  
24   to in November of 2020, there was no effort in that  
25   hand tally to determine whether the Q.R. code on

1 any given ballot would be tabulated in the same way  
2 as the human readable portion indicated the  
3 selections were on that ballot; right?

4 A. On individual ballots, no. A whole point  
5 of a hand tally in that posture is to get to an  
6 aggregate to show that the machines counted them as  
7 the ballots were marked. And that's what that  
8 tally showed.

9 Q. Well, then let's be clear. I want to make  
10 sure we're talking about the same thing. You  
11 said --

12 A. Okay.

13 Q. -- that the hand tally showed that the  
14 ballots were tabulated as they were marked, but  
15 that's, I think you said that's at an aggregate  
16 level; right?

17 A. Yes. It's not on individual ballots, no.  
18 They did not go to say individual ballot 17A  
19 matches up. However, in hand counting five million  
20 of them and coming at a point 1053 percent on the  
21 totals and point 0099 percent on the margin showed  
22 that there's no indication that a Q.R. code did not  
23 match the human readable portion.

24 Q. But you didn't test that? No one at the  
25 Secretary's office or the counties tested that;



1 right?

2 A. Not to my knowledge. Because in the  
3 aggregate it showed what the outcome was.

4 Q. Well, you understand that malware could  
5 alter Q.R. codes so that they don't match the human  
6 readable selection, that those could wash out in  
7 opposite directions over the course of five million  
8 votes; right?

9 MR. RUSSO: Objection to form.

10 THE WITNESS: I understand that  
11 that's a claim that could be made, yes.

12 BY MR. CROSS:

13 Q. And the individual voters who had their  
14 ballots altered in that way, assuming that  
15 happened, and I'm not suggesting it did, but just  
16 so we understand the vulnerability, if something  
17 like that were to happen, those individual voters  
18 would have lost their vote even though the election  
19 outcome might be right; right?

20 MR. RUSSO: Objection. Form.

21 THE WITNESS: I'm -- you're -- this  
22 is at a level of convoluted to where I'm  
23 trying to follow it here. Are you saying  
24 the malware -- walk me through your logic  
25 train on this, because I'm not quite

1 following it. I apologize.

2 (Whereupon, Mr. Stark entered the  
3 deposition.)

4 BY MR. CROSS:

5 Q. Yeah. So let's say that you had a -- you  
6 had a situation where malware changed the Q.R. code  
7 on a ballot for some small number of ballots so  
8 that the Q.R. code tabulated differently than the  
9 human readable portion.

10 That's where we are so far. Do you  
11 understand that?

12 A. I'm getting what you're saying on that.  
13 But then you also said it did it the opposite side,  
14 so it was a wash. So again, the outcomes -- if the  
15 outcomes remain the same, again, this is where I'm  
16 kind of getting lost on --

17 Q. Got it.

18 A. -- the individual voter losing their vote,  
19 because the outcome is the outcome. Because if  
20 they washed, it was evenly matched, that'd be some  
21 super smart malware, because they don't talk to  
22 each other and no one know how many people are  
23 going to be voting on a B.M.D.

24 So the logic train on this requires a lot  
25 of logical leaps to get to that point. Could it

1 happen in any -- in any kind of way? I don't  
2 believe it could. But technically, I guess if you  
3 somehow managed to do many, many things in the  
4 smartest possible way and make it undetectable, I  
5 suppose you could.

6 But again, the real world in which we  
7 counted those ballots, the aggregate showed that it  
8 was the same. So I just can't accept the  
9 supposition that somehow malware got in and did a  
10 complete wash. Because again, what would be the  
11 point of it, then?

12 Q. Yeah. And just to be clear, I'm not -- we  
13 are not suggesting in any way that there was  
14 malware that manipulated the results in the  
15 November 2020 presidential election.

16 A. Okay.

17 Q. I'm just, I'm talking about how  
18 vulnerabilities could work. And I want to make  
19 sure we're -- we understand what we're talking  
20 about. So let me ask it this way.

21 Let's say hypothetically that there was  
22 malware on a single B.M.D. that changed the Q.R.  
23 code -- that changed the Q.R. code on only a  
24 handful of ballots.

25 Okay?

1 A. Okay.

2 Q. A small number, not enough to swing the  
3 election outcome, and not even enough to be  
4 captured in a -- in an audit.

5 Would you agree with me that the  
6 individual voters who were affected by that on  
7 their ballots, even though the outcome is the same  
8 as it otherwise would be, if those individual  
9 voters did not have their votes counted as  
10 intended, we're agreed on that count?

11 MR. RUSSO: Objection to form.

12 THE WITNESS: In this narrow  
13 definition that you have laid out of  
14 things that there is no proof of, again,  
15 with what you have laid out, obviously  
16 those individuals who were affected by  
17 something like that that no one has seen  
18 exist, yes, those votes or one of their  
19 votes or some parts of their votes would  
20 have been undercut.

21 By the same token, when somebody  
22 double votes in a system when -- even  
23 though we have guardrails up, that  
24 undermines somebody's vote. In every  
25 election there's always going to be some

1 issues around those kind of things where  
2 people have their votes, you know, hit  
3 unfortunately. But you try to do  
4 everything you can to avoid that.

5 BY MR. CROSS:

6 Q. And again, I'm not suggesting this has  
7 happened. I'm talking about protecting against a  
8 vulnerability where something could happen in the  
9 future.

10 And what I'm trying to get at is, do you  
11 agree that what matters to voters isn't just the  
12 outcome of the election but also that their  
13 individual vote counts, that what Secretary  
14 Raffensperger refers to as their voice, their voice  
15 is heard on their ballot?

16 A. Both count.

17 Q. All right. Turn to -- all right. Turn to  
18 where it says Page 52 of 240.

19 A. I'm there.

20 Q. And if you come down to the bottom, do you  
21 see here Secretary Raffensperger writes, at the  
22 bottom of the left-hand column, he's referring to  
23 the new system -- do you see where he refers to,  
24 "however, a ballot marking device with a verifiable  
25 paper ballot"?

1 Do you see that?

2 A. One moment. "However" -- yeah, I'm there.  
3 I got you.

4 Q. Okay. And then if you come down a little  
5 further, I think it's six lines from the bottom,  
6 you see the sentence that begins in the middle,  
7 "the resulting printed paper ballot"?

8 A. Yes.

9 Q. And here Secretary Raffensperger wrote:

10 "The resulting printed paper  
11 ballot is then counted using a digital  
12 scanner and a tabulator. This printed  
13 paper ballot, which is the official  
14 ballot, is then fed through a scanner  
15 into a locked ballot box so that all  
16 originals are saved for auditing and  
17 recounts.

18 "Additionally, the voter has the  
19 ability to proofread the ballot before  
20 it is scanned and have it voided and  
21 start over if there is an error."

22 Do you see that?

23 A. Yes.

24 Q. And on this last point, the only error  
25 that a voter could catch on a ballot is in the

1 human readable portion of the ballot, not in the  
2 Q.R. code; right?

3 MR. RUSSO: Objection to form.

4 THE WITNESS: Yes. But it's the  
5 same -- again, as I pointed out earlier,  
6 the same could be said for a hand-marked  
7 paper ballot, they have no way of  
8 necessarily knowing that, how it's going  
9 to be scanned, the same thing in the Q.R.  
10 code.

11 BY MR. CROSS:

12 Q. Right. But they would know that, on a  
13 hand-marked paper ballot, when they fill it out,  
14 and if they review it after they do so, that at  
15 least the paper ballot will accurately reflect  
16 their vote selections; right?

17 A. Well, Mr. Cross, the paper ballot  
18 accurately revotes [sic] their vote selections on  
19 the other.

20 Q. But the tabulation --

21 A. If they're reviewing it for a hand tally  
22 or a recount, that's -- I mean, I'm sorry, not for  
23 a recount, but for a hand count tally or auditing,  
24 that would be the same.

25 So on that front, they are fundamentally

1 the same because a human being can never know how a  
2 computers been programmed to read either the tick  
3 marks and the bubble-in sheets or the Q.R. code,  
4 which is essentially just the tick marks that the  
5 bubble is.

6 Q. Is it your belief that voters would not  
7 have more confidence in a ballot where what's  
8 getting tabulated is what they can read as opposed  
9 to a Q.R. code that they cannot read? Do you --

10 A. But again, Mr. Cross, your point is  
11 you're -- I think you're avoiding the point that  
12 they can't know any more on that than they can on a  
13 Q.R. code if the computer being [sic] scanned and  
14 doing the tabulation is reading it properly.

15 Q. I understand that. But I thought we  
16 agreed that voter confidence is important.

17 A. Well, if people are telling them that  
18 it -- that, you know, it's not, that undermines  
19 voter confidence even if it's not true.

20 Q. All right. But we agree that voter  
21 confidence in the voting system is important;  
22 right, Mr. --

23 A. Yes --

24 Q. -- Sterling?

25 A. -- we are.



1 Q. Okay. And is it your belief that voters  
2 do not have greater confidence in a ballot where  
3 they can actually read what's being tabulated than  
4 a Q.R. code?

5 Do you believe voters are just totally  
6 indifferent to that?

7 A. Mr. Cross, you've said they can read  
8 what's being tabulated. Neither one can they do  
9 that. That's my -- I'm not accepting the  
10 underlying point of your question.

11 Q. So let me ask it this way. Is it your  
12 belief that voters have just as much confidence in  
13 a system that uses Q.R. codes as one that does not?  
14 Is that your belief?

15 A. I think "voters" is a very broad  
16 statement, because we have, you know, seven million  
17 registered in the state. So I'm not going to  
18 attempt to get in the mind of seven million  
19 individuals.

20 Q. Well, do you have any view, as the  
21 individual at the Secretary of State's office who  
22 was responsible for implementing this new system,  
23 do you have any view or understanding as to whether  
24 the majority of Georgia voters have an -- have  
25 greater confidence in a system that does not use

1 Q.R. codes than one that does?

2 A. I think that there has been so much  
3 misinformation and disinformation put around Q.R.  
4 codes that in some ways it probably has undermined  
5 many people's belief in that.

6 But I think the most thing they looked at  
7 is looking at the outcomes and then having three  
8 counts in a row to show that the votes were cast in  
9 the way that they were presented to the computers  
10 should instill that confidence.

11 So I understand what you're trying to get  
12 to. You believe that a hand-marked paper ballot is  
13 a better thing that instills more confidence. I  
14 don't necessarily agree with that or know that to  
15 be the case. I haven't looked at any polling. I  
16 don't know.

17 But again, it's -- we have a system that  
18 we procured and put in place that follows the laws  
19 of the State of Georgia right now.

20 Q. And I wasn't mentioning hand-marked paper  
21 ballots. Again, you can have a B.M.D. ballot that  
22 doesn't use a Q.R. code. So all I'm asking --

23 A. I see what you're saying. Yeah. Okay.

24 Q. Right. Do you have any, just based on  
25 your experience in your role at the Secretary's

1 office, do you have any understanding one way or  
2 the other as to whether most Georgians have greater  
3 confidence in a system that does not use a Q.R.  
4 code than one that -- than one that does, even if  
5 it's still --

6 A. I'm not -- sorry. I'm not going to do --  
7 I'm not going to speculate on "most Georgians."  
8 That's kind of a -- not really my position.

9 Q. So you just, you don't have a belief or an  
10 understanding one way or the other on that; is that  
11 fair?

12 A. I'm not going to speculate on what seven  
13 million individual Georgians think.

14 Q. Well, I'm not asking you to speculate.  
15 You spent over a year implementing this system.  
16 You spent multiple years working with the  
17 Secretary's office defending this system.

18 And my question is, based on that  
19 experience and the knowledge that you have, do you  
20 have some belief or understanding as to whether  
21 Georgians generally have greater confidence in the  
22 system without a Q.R. code than one with?

23 MR. BARGER: And I'm going to just go  
24 ahead and object to the form and also as  
25 to any opinion testimony that you're

1           Early on, the early days, yes, there  
2           was a lot of questions about that. It was  
3           mainly misinformation, disinformation  
4           around Dominion. But the vast majority  
5           once we did the hand tally came in from  
6           the absentee ballot side, mainly focused  
7           on Fulton County.

8       BY MR. CROSS:

9           Q.    Okay. Is there any election security  
10           cybersecurity expert you can identify who has done  
11           a forensic assessment of the voting equipment,  
12           meaning the B.M.D.s, the printers, the scanners,  
13           the election management servers, of the ENet system  
14           and the voter registration system, is there any  
15           election security expert that you can identify  
16           who's done a forensic examination of those  
17           components to determine whether there's been any  
18           compromise?

19           A.   I believe we have our outside third-party  
20           group, Fortalice, who's done some assessments on  
21           that. I can't -- I'm juggling so many things right  
22           now, I can't remember specifically on that, but  
23           Fortalice is generally the people who we do some  
24           kind of stuff with.

25                   We were in the middle right now, once we

1 had our warehouse established, of getting some  
2 stuff over to the cybersecurity center in Augusta,  
3 but we have not been able to get that over to them  
4 yet.

5 Q. So there's no one -- no one other than  
6 Fortalice who you can point to right now that's  
7 done any assessment like that; is that right?

8 A. I don't believe so. Now, I could be  
9 wrong, but I don't believe so.

10 (Whereupon, Ms. Elson entered the  
11 deposition.)

12 BY MR. CROSS:

13 Q. And you mentioned Augusta. Are you  
14 talking about the set-up with Dr. Alex Schwarzmenn?

15 A. Correct. Yeah.

16 Q. And this is -- this is the set-up at  
17 Augusta University where you have a mirror set-up  
18 of the voting system ranging from the E.M.S. server  
19 to the printer to the scanner to the B.M.D. set up  
20 at Augusta University; is that right?

21 A. Again, I don't believe it's actually set  
22 up yet. We were in the middle of trying to do that  
23 and COVID hit and we were -- and then we had stuff  
24 to get deployed. But it's -- that's -- our  
25 intention is to get that stuff over to them, but

1 that has not been officially set up yet, Mr. Cross.

2 Q. And I was going to ask about that. So  
3 while we're there, Dr. Schwarzmann talked about  
4 this as early as February of 2020 in an interview,  
5 and it looked like it had not been set up yet.

6 What's the reason for that? Was it COVID?  
7 Is that what you said?

8 A. COVID was the biggest thing in the middle.  
9 And then we had to -- we were on path. COVID kind  
10 of got in the way. Then we had elections. And as  
11 is pretty well known, we've been very busy with  
12 both false election claims and litigation and  
13 regular work and staffing issues.

14 And as an example, there was -- to get  
15 stuff off of trucks we had in storage to put into  
16 the new warehouse, we had to wait for two months  
17 for a plate to offload stuff. I mean, it's those  
18 kind of real world things kind of got in the way of  
19 it.

20 Q. And do you have an estimated time for  
21 getting that set up?

22 A. We were supposed to do an inventory and  
23 get it off of that last week when I had my  
24 emergency dental surgery. So soon, but I don't  
25 have an exact date right now for you. I apologize.

1 Q. What's the purpose of that set-up at  
2 Augusta?

3 A. As I understand it when we had the initial  
4 discussions, and again, it's been a little while,  
5 was to have that mirrored system, as you pointed  
6 out, Mr. Cross.

7 And I think we were even talking about  
8 maybe a dual mirrored system, one that's going to  
9 be pristine and one that will be tested on to see  
10 if they can replicate anything that is discovered  
11 or any vulnerabilities or any claims to see if they  
12 can be, you know, reproduced, and if they can be  
13 reproduced, then possibly look into any mitigation  
14 if necessary. That's sort of the goal overall.

15 Q. Who is responsible for that project, for  
16 getting it set up and coordinating with Augusta?

17 A. I guess, for lack of a better word, me. I  
18 mean, it would be me and Blake Evans from our  
19 office. And I think -- we had a warehouse manager  
20 who accepted the deal and he would have been part  
21 of that process, but he ended up taking another  
22 job. So we don't have a warehouse manager right  
23 now to help coordinate some of that.

24 Q. Given that you and others at the  
25 Secretary's office have publicly defended the

1 reliability and security of this system, why do you  
2 need Augusta to do this set-up to do further  
3 security testing?

4 A. Because we view, I'm sure this sounds  
5 cliché, cybersecurity is a never-ending race. You  
6 can always be looking for new things. You can  
7 always be looking for new threats. And mitigating  
8 those threats, when you mitigate one, another one  
9 may pop up. So you can never, like, say, stop,  
10 we're done. So this is just an ongoing kind of  
11 process.

12 Q. Do you know whether Dr. Schwarzmenn or  
13 anyone in his department has read any of  
14 Dr. Halderman's reports or testimony in this case?

15 A. I do not.

16 Q. Who would you ask if you wanted to know?

17 A. I would probably call Dr. Schwarzmenn.

18 Q. Well, you -- I think you said you're one  
19 of the primary people responsible for coordinating  
20 with him. Why not have him review Dr. Halderman's  
21 report and do his own assessment of the election  
22 equipment to determine whether he agrees or  
23 disagrees with Dr. Halderman?

24 A. We haven't gotten to that kind of point  
25 yet. Like I said, I'm just trying to get him the



1 equipment right now.

2 Q. Okay. Is that something you would  
3 anticipate doing, or you just don't know one way or  
4 the other as you sit here?

5 A. I don't know one way or the other. But  
6 logically, it would probably make sense. I mean,  
7 again, Dominion is the person responsible for kind  
8 of doing these mitigations. But we want to have,  
9 you know, our own other expert on that side be able  
10 to look at some of those things potentially.

11 And we can't have perfect information  
12 100 percent of the time and get everything executed  
13 100 percent perfectly in the fastest possible way  
14 because we have the real world we have to deal  
15 with. So I want to get the stuff over to them, and  
16 we will do this in due course.

17 Q. Are you aware that the Secretary's expert,  
18 Dr. Juan Gilbert, testified at his deposition, I  
19 went through and finding by finding in  
20 Dr. Halderman's report, and he testified each time  
21 he did not disagree with any of the findings?

22 Were you aware of that?

23 A. No, I was not.

24 Q. Does that affect your view on whether you  
25 think that that report is a load of crap?

1           A.    No.    Because again, the underlying thing  
2           of it, as I said, every system in the world has  
3           vulnerabilities.   It's a question of what you do to  
4           mitigate around them.

5                   And I've seen for most people who are on  
6           the cybersecurity side, they exclusively focus on  
7           that, and only that, and kind of ignore mitigations  
8           for the most part.

9           Q.    Are you aware of whether the Secretary's  
10          office has had any cybersecurity experts or  
11          election security experts review Dr. Halderman's  
12          July of 2021 report other than Dr. Gilbert?

13          A.    I believe, like I said, I know Dominion  
14          has it, and they are a contractor of the State.

15          Q.    Anyone else?

16          A.    Not off the top of my head, no.

17          Q.    If you wanted to know the answer to that,  
18          who would you ask?

19          A.    I would assume Ryan Germany with my  
20          office.

21          Q.    All right.   Look at Page 54 of 240, if you  
22          would, please, in Exhibit 3.

23          A.    Okay.   I'm there.

24          Q.    If you come to the bottom of the  
25          right-hand column here, the last full paragraph

1 before the number seven paragraph.

2 A. Uh-huh.

3 Q. Do you see that?

4 A. Uh-huh.

5 Q. And just to give you some context so you  
6 know what we're looking at, if you go back to Page  
7 50, if you scroll up to Page 50 of 240 and look at  
8 the --

9 A. I'm there.

10 Q. -- at the bottom right column, do you see  
11 here what Secretary Raffensperger is writing about,  
12 it's what the S.A.F.E. Commission recommended in  
13 January of 2019, that's these numbered paragraphs?

14 A. Yes.

15 Q. And so then if you come back to Page 54  
16 and you look just above their number seven  
17 recommendation, the last thing there from the  
18 S.A.F.E. Commission was:

19 "Additionally, Georgia law should  
20 be updated to clarify that the human  
21 readable component of the ballot is  
22 the official vote record."

23 Do you see that?

24 A. Yes.

25 Q. That has not happened; right?

1           A.    I don't know that's the case. I believe  
2           that the paper ballot is viewed as the -- if there  
3           is -- I'm not sure, honestly, about how the law  
4           reads on that section of it. I know that the paper  
5           ballot is the official ballot. And -- but I guess  
6           recounts are done using the Q.R. codes.

7                     So I can see where there could be -- that  
8           may not have been on that depending on how it's  
9           done.

10          Q.    Right. The official vote tally in any  
11          election using the current system comes from the  
12          scan of the Q.R. codes; right?

13          A.    Correct. Either it would be the first  
14          count or any recounts.

15          Q.    And do you know whether the Secretary's  
16          office disagrees with this recommendation from the  
17          S.A.F.E. Commission that the human readable  
18          component of the ballot should be the official vote  
19          record?

20          A.    No, I don't -- I don't believe we would  
21          agree with that, no. But again, it's the  
22          legislature's decision.

23          Q.    Has the Secretary's office taken any  
24          efforts to advocate for that change with the  
25          legislature in Georgia?

1           A.    I don't know at this point -- at this  
2 point if the Secretary's office took any positions  
3 that the legislature would be too inclined to  
4 listen. But not off the top of my head, no.

5           Q.    The legislation that was adopted that led  
6 to the Dominion B.M.D. system, did you help write  
7 that?

8           A.    Me personally? Not specifically. But I  
9 was in the room sometimes with Mr. Germany and --  
10 let's see. I remember that Barry Fleming was the  
11 key author on that.

12                   So that was where a lot of that -- those  
13 discussion points came up and to kind of get into  
14 the specifics of it of how you put it from S.A.F.E.  
15 Commission language to the law. But yeah,  
16 basically.

17                   I was -- like I said, I'm not a lawyer,  
18 but I was around those conversations about how this  
19 ought to come together.

20           Q.    Okay. How the legislation that came out  
21 that led to the Dominion B.M.D.s, how that  
22 developed coming out of the S.A.F.E. Commission  
23 recommendations; is that what you're referring to?

24           A.    Yes. HB 316, which was the final version  
25 of a bill to move to a B.M.D. and to decommission

1 the D.R.E.s.

2 Q. Okay. And do you know at a high level or  
3 just generally what the Secretary's office  
4 involvement was in that?

5 You mentioned Mr. Germany. So that just  
6 so I understand it, did individuals at the  
7 Secretary's office help prepare that legislation?

8 A. Mr. Rayburn, Kevin Rayburn, who's left the  
9 office and went on to be general counsel of the  
10 E.A.C., was also pretty -- very involved in the  
11 specifics of a lot of that.

12 Q. All right. Turn to the Page 68 of 240, if  
13 you would, please.

14 A. All right. I'm there.

15 Q. All right. If you look at the top of the  
16 second right -- or sorry, if you look at the top of  
17 the column on the right, do you see that on Page  
18 68?

19 A. "They politely told us"?

20 Q. Yes.

21 A. Okay.

22 Q. And then in the next sentence, Secretary  
23 Raffensperger writes:

24 "Election integrity wasn't  
25 something that Republicans, or by

1 extension then-sitting president  
2 Donald J. Trump, saw the value in  
3 defending in the lead-up to the 2020  
4 election."

5 Do you see that?

6 A. Yes.

7 Q. And do you agree with that assessment?

8 A. Yes.

9 Q. And do we agree that election integrity is  
10 something that's important to Georgia voters  
11 generally?

12 A. Yes. But now, the idea of what election  
13 integrity is varies from person to person, but yes.  
14 As a general thought, yes.

15 Q. All right. Come down, then, to Page 71.  
16 It should be the next page in the exhibit.

17 A. Yes, sir. I'm there.

18 Q. And if you look at the right column, do  
19 you see the paragraph that begins, "I had been  
20 elected Secretary of State"?

21 A. Yes.

22 Q. And then there Secretary Raffensperger  
23 writes:

24 [As read] "Georgia was one of  
25 only five states using

1 direct-recording electronic, or  
2 D.R.E., voting machines. And with  
3 mounting concerns of potential foreign  
4 and domestic attempts to hack and  
5 alter the results of American  
6 elections, Georgia moved toward  
7 replacement in time for the March 2020  
8 presidential primary."

9 Do you see that?

10 A. Yes.

11 Q. And the replacement he's referring to  
12 there is what became the Dominion B.M.D. system  
13 used today; right?

14 A. Yes.

15 Q. Why weren't the physical security measures  
16 and other measures that were in place to protect  
17 the D.R.E.s against the hacks and the alterations  
18 that Secretary Raffensperger notes here, why  
19 weren't those sufficient to protect the D.R.E.  
20 system to continue using it?

21 A. I don't --

22 MR. RUSSO: Objection. Object to the  
23 form.

24 Go ahead.

25 THE WITNESS: I don't know that they



1 weren't. I do know that they were very  
2 old. And because of the way that the  
3 physical hardware and the I.P. were split,  
4 that we couldn't update them at all. And  
5 they were beginning to physically fall  
6 apart.

7 So there were concerns around that,  
8 and everybody -- I say "everybody." Many  
9 people were of the belief that having a  
10 paper-based system was one of the better  
11 guarantors of avoiding any kind of outside  
12 attempts to do that.

13 BY MR. CROSS:

14 Q. Did you say --

15 A. I mean, to this point even today, there's  
16 a belief that things were done that didn't actually  
17 occur, and that's maybe to more what he's referring  
18 here. Like, people all hacking machines and  
19 flipping votes from Hillary Clinton to Donald  
20 Trump, that was -- that was sort of a belief out  
21 there with many people.

22 Q. All right. Go to the next page, 72,  
23 please.

24 A. Okay. I'm there.

25 Q. And actually, sorry, just so you have

1 context, if you go back to 71, the bullet points  
2 there that start on 71 and go to 72 --

3 A. Uh-huh.

4 Q. -- do you see here that what Secretary  
5 Raffensperger is referring to is things that were  
6 intended to come out of the draft legislation that  
7 became House Bill 316?

8 A. Yes.

9 Q. And then if you come down to the next  
10 page, one of the things that he includes there in  
11 the second-to-last bullet -- or the second bullet  
12 on the --

13 A. On the next page or were we on 72 still?

14 Q. 72. Go to 72.

15 A. Okay.

16 Q. See the three bullets on the top left?

17 A. Uh-huh.

18 Q. And then he writes one of the things that  
19 was thought to come out of the legislation, the  
20 draft legislation, was:

21 "Conduct an audit immediately  
22 following each election to confirm  
23 election equipment worked properly."

24 Do you see that?

25 A. Yes.

1 Q. That's not done in Georgia; right?

2 A. I disagree. The -- we consider that the  
3 audit that we did after the general election, the  
4 Secretary gets to choose one, when you do that,  
5 that shows that the machinery actually counted the  
6 ballots as cast correctly. That is the intent of  
7 that, and that's what that's referring to.

8 Q. Well, the -- that was -- that was a hand  
9 tally or an audit, if you want to use that word, of  
10 a single election contest in the November 2020  
11 election; right?

12 A. Yes.

13 Q. And the law that was adopted in Georgia  
14 only requires a single statewide audit every other  
15 year. Do you understand that?

16 A. And they consider -- they consider that  
17 particular thing to be met with that audit.

18 Q. Okay. But I just want to make sure,  
19 what's written here is not a single statewide  
20 election of a single contest every other year.  
21 What's written here is, "conduct an audit  
22 immediately following each election," not every  
23 other year, not only statewide, "each election to  
24 confirm election equipment worked properly."

25 That's what's written here; right?

1           A.    That's what's written there, yes.   But I  
2   think they came to the point that doing it every  
3   two years is what the -- met that point in their  
4   outline of what they were trying to do.

5           Q.    All right.   Go to -- sorry.   Stay on this  
6   page.

7           A.    Okay.

8           Q.    If you look at the top of the next column,  
9   still on Page 72, here Secretary Raffensperger  
10   wrote:

11                    "In the meantime, Deputy Secretary  
12                   of State Jordan Fuchs was organizing a  
13                   multi-disciplinary evaluation team to  
14                   review the proposals."

15                   Do you see that?

16           A.    Yes.

17           Q.    And these are the proposals that came in  
18   in response to the R.F.P. for the new system in  
19   2019; right?

20           A.    Correct.

21           Q.    And then Secretary Raffensperger goes on:

22                   [As read]   "That group included,  
23                   among others, a cybersecurity expert,  
24                   an advocate for people with  
25                   disabilities, election directors from

1 large and small counties," and then in  
2 parentheses, "(their needs are quite  
3 different from each other), and an  
4 attorney who is an expert in election  
5 law."

6 Do you see that?

7 A. Yes.

8 Q. Did you work with this multi-disciplinary  
9 evaluation team?

10 A. I was brought in as a subject matter  
11 expert when it came to there was a section of the  
12 bid having to do with their individual businesses,  
13 which the intent of that was to make sure they had  
14 the capital available and the ability to actually  
15 fulfill this very large order.

16 I was never actually -- the stuff was so  
17 plain, I was never actually, I don't believe I was  
18 asked any questions during the evaluation process.  
19 I can't recall for certain. I might have asked a  
20 couple of individual ones.

21 But no, the individuals who did that were  
22 off on their own doing their evaluations, and then  
23 they came together I think three times all  
24 together. And one on the final they had to drop  
25 off because his mom died, and so he couldn't make

1 Q. Okay. If you wanted to know what this  
2 team considered, what they discussed, who would you  
3 ask?

4 A. I would probably go to the bid documents  
5 and re -- and look at what they reviewed there. I  
6 think some notes are -- I think the real time notes  
7 are also part of that record, but I'm not positive.  
8 But you can look at it. I think it's a public  
9 record.

10 Q. The discussions and the notes, the files  
11 for this committee?

12 A. Yes. That's my understanding.

13 Q. And when you say "public record," do you  
14 mean it's publicly available, like, I could find it  
15 on-line, or just that you could get it through --

16 A. You should be able -- I believe you can  
17 find it on-line. I don't think it's an O.R.R., an  
18 open records request kind of thing. I believe you  
19 can find it on-line under the Department of  
20 Administrative Services procurement tab and look  
21 for, you know, statewide voting system solution. I  
22 believe that would have all those documents.

23 Q. All right. Go to Page 75, if you would,  
24 please. It's the beginning of Chapter 7, 2020.

25 A. I've got it.

1           Q.    If you look at the right column and go --  
2           the long paragraph that ends towards the bottom  
3           half of the second -- of the right column, do you  
4           see the sentence, the last sentence that begins  
5           "with our outside counsel"?

6           A.    Yes.

7           Q.    And here the Secretary writes:

8                    "With our outside counsel at the  
9                   attorney general's office, who brought  
10                  in Georgia's leading conservative  
11                  election lawyers, I was confident we  
12                  could successfully defend all of our  
13                  election integrity measures."

14                  Do you see --

15          A.    Yes.

16          Q.    -- that?

17          A.    Yes.

18          Q.    Do you know why it was important for the  
19                  Secretary to bring in specifically conservative  
20                  election lawyers to defend the election integrity  
21                  in Georgia?

22          A.    Because I think liberal election lawyers  
23                  would probably, from our point of view, attack some  
24                  of the things we considered to be election  
25                  integrity measures.

1 Q. And why would you assume that?

2 A. Well, because Marc Elias, and then as  
3 discussed in this particular page the Four Pillars  
4 program, and they were doing things to attempt to  
5 weaken identification of individuals, extend times  
6 that ballots can be received, you know, even  
7 outside of the normal what the law called for,  
8 things along those lines.

9 Q. Why not obtain -- retain non-partisan  
10 counsel to defend the election integrity?

11 A. Frankly, I couldn't tell you. Because I  
12 don't think the -- seemingly in election law, I'm  
13 not sure that there's such a thing as a  
14 non-partisan counsel.

15 Q. All right. Come to Page 88, please.

16 A. Yes, sir. All right. I'm there.

17 Q. If you look at the top of the right-hand  
18 column and go to the second sentence that begins,  
19 "I first explained," do you see that?

20 A. Yes, sir.

21 Q. And there Secretary Raffensperger writes:  
22 "I first explained that 'counties  
23 run elections.' We have" --

24 A. Yes.

25 Q. "We have 159 counties, and more



1           than 150 of them did a great job."

2           Do you see that?

3           A.    Yes, sir.

4           Q.    Do you agree with Secretary Raffensperger  
5           that counties run elections in Georgia?

6           A.    Yes, sir.

7           Q.    Who is responsible for securing elections,  
8           from the voting equipment to the servers to  
9           anything that touches the election system in  
10          Georgia?

11          A.    The counties.   We are responsible for our  
12          E.M.S. at our Center for Elections, but the  
13          counties secure the voting equipment and secure  
14          their E.M.S.s.

15          Q.    Does the Secretary's office have any  
16          program or practice of doing -- sort of assessing  
17          whether the counties are complying with the  
18          security measures that need to be taken to secure  
19          the election system?

20          A.    We've worked in the past with C.I.S.A.,  
21          the -- I always get that acronym wrong, it's  
22          C-I-S-A -- to do assessments of counties to make  
23          sure they have physical -- they're following the  
24          physical protocols necessary.

25                In fact, we just met with them I want to

1 say a month ago to request we do another round of  
2 that again. So we do have some of those things  
3 where we work with the federal government to help  
4 counties move along on that front.

5 We also in the 2020 election cycle set up  
6 some grants for security as well to help them  
7 mitigate some of the things with the new equipment  
8 they had to do.

9 So there's several things along those  
10 lines, but it's really fundamentally the counties'  
11 responsibility. I mean, our grants were relatively  
12 small, and they're really held for the smaller  
13 counties than the bigger counties.

14 Q. And what have you done with C.I.S.A. to  
15 check the security measures at the county level?

16 A. They physically send inspectors out to  
17 look and make sure a block's here, is there a date,  
18 is there a file, those kind of items. Like, the  
19 physical security was the biggest front-line thing  
20 to try to do with the counties.

21 Q. How often is that done in Georgia?

22 A. I don't know the answer to that question.  
23 I mean, I know we did it once early on when I was  
24 here, and we're talking about them going out and  
25 doing it again, you know, in a relatively soon time

1 frame.

2 Like I said, we met last month and had --  
3 started having some initial discussions about  
4 having that done again.

5 Q. Does that process generate a report? Does  
6 C.I.S.A. say, here's what we did and here's what we  
7 found?

8 A. I don't know.

9 Q. How would you find that out?

10 A. I guess I'd probably go and talk to either  
11 our elections director or Ryan Germany.

12 Q. And Blake Evans is the elections director  
13 today.

14 A. Correct.

15 Q. Is that right?

16 A. Yes, sir.

17 Q. And would it be the responsibility of the  
18 counties to address any concerns that come up in  
19 those assessments?

20 A. Yes.

21 Q. All right. If you go -- stay on Page 88.

22 A. Okay.

23 Q. Look at the middle of the right column.  
24 Do you see the second full paragraph that begins,  
25 "but the county"?

1 A. Yes.

2 Q. And absentee ballots in Georgia are  
3 hand-marked paper ballots; right?

4 A. Correct.

5 Q. And so is it fair to say that the  
6 Secretary's office finds the hand-marked paper  
7 ballots that are done through the absentee system  
8 just as reliable as the electronic voting equipment  
9 that's used?

10 A. No. We -- on the reliability side, you  
11 are much more likely to have an over-vote or an  
12 under-vote on a hand-marked paper ballot done at  
13 home. So on that front, they're not quite as  
14 reliable, no.

15 Q. So then why does the Secretary believe  
16 that hand-marked paper ballots through the absentee  
17 system historically was a strength for Republicans,  
18 not a weakness, if they're less reliable than the  
19 voting machines?

20 MR. RUSSO: Objection to form.

21 THE WITNESS: What he's referring to  
22 there is in a political way.

23 Historically, up until the 20 -- I want to  
24 say 2018 election -- every previous  
25 election from 2006, which was after the

1           2005 passage of the law, up until 2016,  
2           Republicans had generally done better on  
3           absentees than Democrats.

4           But the previous two election cycles,  
5           the Democrats worked very hard to set up  
6           good systems for tracking and getting  
7           absentee ballots out. And they just,  
8           frankly, did a better job of working the  
9           system the way -- legally the way it was  
10          constructed than Republicans had  
11          previously.

12          And his point saying the Republicans  
13          could have made them a strength in 2020  
14          given COVID-19, I think that's more of an  
15          allusion to the fact that there were  
16          Republicans who were saying, don't trust  
17          absentee ballots, like the president at  
18          the time.

19       BY MR. CROSS:

20           Q.    You're not suggesting that the hand-marked  
21           paper ballots that are used in Georgia's absentee  
22           system are unreliable; right?

23           A.    No, I'm not suggesting they're unreliable.  
24           I'm saying they are less reliable in terms of  
25           avoiding over-votes and under-votes than a

1 B.M.D.-marked ballot.

2 Q. Is there any other way in which you  
3 believe they're less reliable than a B.M.D. ballot?

4 A. I believe they're more open to having  
5 issues done with them after the fact. However, in  
6 our system, the current system much more so than  
7 the previous system with absentees, where if there  
8 was an adjudication, it was all done manually and  
9 there was no log file that was done.

10 Now, in the current system, there is a log  
11 file. So I think on that front, the absentees  
12 under the current system are better than the  
13 absentees in the old system in terms of just the  
14 way they're being processed, but not the physical,  
15 you know, attributes of the absentee ballots  
16 themselves.

17 Q. Okay. All right. Turn to Page 98,  
18 please.

19 A. Okay.

20 Q. Do you see here the second paragraph in  
21 the left column where Secretary Raffensperger  
22 writes:

23 "For 60 days from Election Day  
24 until January 2nd when President Trump  
25 called and asked me to 'find 11,780

1 votes,' we investigated all complaints  
2 received and looked for any evidence  
3 of widespread fraud"?

4 Do you see that?

5 A. Yes, sir.

6 Q. Who was responsible for that investigation  
7 or those investigations on behalf of the  
8 Secretary's office?

9 A. For the largest part of that, it would  
10 have been our investigations division, which was --  
11 at that point had the director of Frances Watson.  
12 She would be overseeing all of that.

13 There was one particular part of the  
14 investigation where we partnered with the G.B.I. to  
15 do a signature match in Cobb County where we  
16 basically needed more people to deploy on that.

17 So that was the only time we used a lot of  
18 other resources, which was for that ballot -- or  
19 sorry, envelope review of about 15,000 and a  
20 handful of extras of the -- of the absentee ballot  
21 envelopes.

22 Q. And the G.B.I. piece, that only concerned  
23 absentee ballots; do I understand that right?

24 A. Doing the -- making sure the signature  
25 match was done properly, yes. That was what the

1 G.B.I. piece was. So the vast majority of them  
2 were directly under Frances Watson through our  
3 investigations division.

4 Q. All right. And if you come down to this  
5 paragraph, do you see that Secretary Raffensperger  
6 reports with respect to these investigations, he  
7 writes:

8 "We did not see any evidence of  
9 widespread fraud."

10 Do you see that?

11 A. Yes.

12 Q. Was there any evidence of any fraud at all  
13 in the November 2020 election found by the  
14 Secretary's office?

15 A. The --

16 MR. RUSSO: Objection to form.

17 THE WITNESS: The use of the term  
18 "fraud" is kind of a large, fraught word.  
19 We definitely found instances of what we  
20 referred to as illegal voting, as there is  
21 in every election.

22 At the time of this writing, there  
23 were -- we knew there were two dead people  
24 that had voted. By -- at this point we  
25 now know there were four.



1 THE VIDEOGRAPHER: Back on the record  
2 at 11:22.

3 BY MR. CROSS:

4 Q. All right. Go to Page 118.

5 A. Can you hold on one second for me? I  
6 apologize.

7 (Whereupon, a technical discussion  
8 ensued off the record.)

9 THE WITNESS: Okay. Go ahead.

10 BY MR. CROSS:

11 Q. All right. Go to Page 118 of the  
12 Secretary's book, please.

13 A. Okay. The one that says -- starts off,  
14 "in every case"?

15 Q. Yes.

16 A. Okay.

17 Q. And if you come down, do you see the  
18 heading that says Forensic Audit of Dominion  
19 Equipment?

20 A. Yes. I've got it.

21 Q. And then at the bottom of that page,  
22 there's a paragraph that reads:

23 "Pro V & V was not the first to  
24 work with us to protect our election.  
25 We also partnered with the Department

1 of Homeland Security, the Georgia  
2 Cyber Center, Georgia Tech security  
3 experts and other election security  
4 experts."

5 Do you see that?

6 A. Yes.

7 Q. What Georgia Tech security experts did the  
8 Secretary's office partner with to protect  
9 elections in Georgia?

10 A. What's his name? I can't recall his name  
11 right now. He's bald. He looked at a couple of  
12 our cybersecurity forms that we had done that were  
13 coordinated with the Center for Election Innovation  
14 and Research. He has a Greek last name, if memory  
15 serves. I just can't recall it right now.

16 Q. Is it Angelos Keromytis?

17 A. Ah. There we go. Yes.

18 Q. And what work has Dr. Keromytis done with  
19 respect to Georgia election security?

20 A. Basic overviews and discussions. There's  
21 never been a -- there's been no reports or anything  
22 issued. I remember we were having some discussions  
23 with him.

24 And again, some of this is pre-COVID. So  
25 COVID kind of shut some of these things down that

1 we were doing. But I remember he had had some  
2 discussions we -- with our side and with several  
3 people we had in a room kind of discussing those  
4 things who were other experts on cybersecurity and  
5 elections.

6 But there's not, like, a report that was  
7 done or anything, but they had come in to kind of  
8 review and say, what are you doing and those kind  
9 of items in a general kind of way.

10 Q. When was Dr. Keromytis first engaged to  
11 advise the State on election security?

12 A. Likely -- again, I don't think he was  
13 engaged so much as he was brought in by the Center  
14 for Election Innovation and Research, or even if we  
15 engaged him -- I think there was a discussion of  
16 it, but then COVID hit. So I can't recall exactly.  
17 But I know he was in meetings starting in 2019, if  
18 memory serves.

19 Q. And do you know whether he was retained by  
20 the Secretary's office or someone else on behalf of  
21 the State, or was he brought in informally?

22 A. I don't know for certain. My best guess  
23 is it was informally with the intention of doing it  
24 more formally, but then COVID yet.

25 Q. If you wanted to know whether there was an

1 actual retention, who would you ask?

2 A. I would probably talk to either our  
3 procurement side or to Ryan Germany.

4 Q. How often has Dr. Keromytis met with  
5 individuals on behalf of the Secretary's office  
6 regarding election security?

7 A. I don't know.

8 Q. Who would you ask --

9 A. Let me be --

10 Q. -- if you wanted to know that?

11 A. I know there was at least two times he  
12 did. I would have to ask individuals, mainly Ryan  
13 Germany probably.

14 Q. Did you participate --

15 A. I re -- well, I remember I met with him in  
16 a group setting at least twice -- at least twice.  
17 Pardon me.

18 Q. Okay. And who all participated in those  
19 group meetings?

20 A. I would have to refresh my memory. I  
21 honestly can't recall.

22 Q. What's your best recollection of who  
23 participated, who was there?

24 A. David Becker from the Center for Election  
25 Innovation and Research; Ryan Germany; I believe at

1 the time probably Kevin Rayburn; Chris Harvey, the  
2 elections director at the time.

3 And I want to say there was a couple --  
4 there was some -- two other people had come in from  
5 out of town that I can't recall right now, but we  
6 could -- I would have to -- I would have to look it  
7 up to honestly tell you for certain.

8 Q. All right. Where would you look to find  
9 out?

10 A. I'd probably go to our scheduling  
11 calendars and look.

12 Q. Do you recall whether Jordan Fuchs was in  
13 any of those meetings?

14 A. I think she might have been in parts of  
15 them but maybe not for the whole thing. I just  
16 honestly don't recall.

17 Q. And what about the Secretary?

18 A. The Secretary was going to be there for  
19 parts of the discussion. But again, I do not  
20 believe he was there for all of the discussions.

21 Q. Okay. And what was the purpose of those  
22 meetings with Dr. Keromytis?

23 A. Well, it wasn't just with Dr. Keromytis.  
24 It was several different people, I believe, who  
25 were basically, what are the threats you're seeing

1 out there, what kind of things should we be on the  
2 lookout for, those kind of -- in a general kind of  
3 way. I couldn't give you specifics now, because it  
4 has been a couple of years.

5 Q. Were there other election security experts  
6 in those meetings?

7 A. I believe so. I mean, I know I remember  
8 we flew -- somebody flew in, but I can't recall who  
9 they are. I'd have to check.

10 Q. Do you recall where they came from?

11 A. Out of state. That's the best I can give  
12 you.

13 Q. Okay. You just don't recall anything  
14 about that other individual?

15 A. I think there was two. I can remember  
16 kind of what they looked like, but I can't remember  
17 specifically. But again, it's been a couple of  
18 years.

19 Q. Do you know whether there were any notes  
20 or minutes from those meetings?

21 A. I do not.

22 Q. Were there any specific election security  
23 concerns that were discussed in those meetings?

24 A. Again, on specificity's side, I don't  
25 think there was, like, there's this vulnerability,

1 there's this fix. I think it was in a general way.

2 Because we were still coming off the 2018  
3 claims of stuff, and we're looking at a new system  
4 and kind of what do you look for as in a general  
5 way what do you -- what should -- what boxes should  
6 you check, that kind of thing.

7 But it wasn't, like, there's a report,  
8 there's this or -- just a generalized sort of  
9 discussion to kind of say what should you be  
10 looking for. That's my -- that's my recollection.

11 Q. And what was discussed about what you  
12 should be looking for with respect to election  
13 security?

14 A. I would have to -- I wouldn't attempt to  
15 characterize it. I'd have to go back and refresh  
16 my memory.

17 Q. Okay.

18 A. I mean, because at the time we were  
19 talking about foreign actors. And I think one of  
20 the big things we talked about, I do remember this,  
21 was it was really more around the voter  
22 registration system.

23 And I remember somebody said, basically,  
24 if you really wanted to screw with something, you  
25 know, you go into the voter registration system and

1 updating system. And we'll be moving to the cloud,  
2 which provides for an additional level of security  
3 under the FedRAMP, the -- on the Salesforce FedRAMP  
4 cloud.

5 Q. So do I understand correctly that among  
6 the reasons to move away from ENet were security  
7 concerns about that system as well?

8 A. No. Not security concerns so much as you  
9 can make things better. We didn't have specific  
10 things we were worried about on the security side  
11 for that. Although, I think having something on  
12 the FedRAMP is some -- is probably better even when  
13 you have lots of security around your own data  
14 center, which we have.

15 Q. So are there any other meetings or  
16 communications that you're aware of with  
17 Dr. Keromytis or these other two individuals at  
18 these two meetings in 2019 that you thought might  
19 be election security experts regarding election  
20 security?

21 A. There may be, you know, correspondence  
22 with other individuals from the meetings that I'm  
23 not aware of. I imagine there probably is, but I'm  
24 not a -- like I said, I'm not aware of them.

25 Q. Who would you ask to find out -- to find



1 out?

2 A. Well, I mean, if -- not knowing what the  
3 discovery is in this case, I mean, if there were  
4 cybersecurity in there, I'm assuming -- and there  
5 were E-mails in the State, you probably have them  
6 if they exist.

7 Q. Does Dr. Keromytis work directly with  
8 Jordan Fuchs on election security issues?

9 A. I don't know. I mean, Jordan doesn't  
10 really, she's not operationally doing stuff inside  
11 election things, so I wouldn't -- maybe as an "to  
12 advise" thing. But outside of that, I wouldn't  
13 know anything, no.

14 Q. Do you know why Dr. Keromytis would have  
15 Jordan Fuchs's cell number?

16 A. Probably because they were in the meeting  
17 together and they probably shared information.

18 Q. Do you know why Jordan Fuchs would ask  
19 Dr. Keromytis to call her on her cell specifically  
20 about an election security concern?

21 MR. RUSSO: Objection to form.

22 THE WITNESS: No.

23 BY MR. CROSS:

24 Q. Who would you ask if you wanted to know?

25 A. I would guess Dr. Keromytis or Jordan

1 Fuchs.

2 Q. If you look back at this language we just  
3 read, I asked you about the Georgia Tech security  
4 experts, it also indicates other election security  
5 experts.

6 Are there any election security experts  
7 the Secretary's office has worked with on the  
8 security of Georgia elections beyond the ones we've  
9 already talked about?

10 A. I don't know who the Secretary might be  
11 referring to specifically here.

12 Q. So there's no one you're aware of beyond  
13 Dr. Keromytis, the two individuals in this meeting  
14 that you can't recall, and whatever you're trying  
15 to set up with Dr. Schwarzmenn; is that fair?

16 A. Well, again, you're mainly focusing on the  
17 cybersecurity side. We also have other security  
18 side. Like we -- like I said, we meet with  
19 C.I.S.A. We do those things. We work with Center  
20 For Election Innovation and Research on what are  
21 the best practices for securing elections.

22 We work, from our point of view, working  
23 with the Center for Civic Design to make sure your  
24 absentee ballots are -- and applications and -- are  
25 done -- the instructions are done better.

1 All those from my point of view are about  
2 the system working and making it secure. Then if  
3 you're talking about the narrow band of  
4 cybersecurity, I think you -- we've gone over the  
5 specific ones we've talked about there.

6 Q. Why has the Secretary's office never  
7 engaged an election security expert to do a  
8 forensic assessment of voting equipment in the  
9 state of Georgia?

10 A. We rely on our partner through our  
11 contracts to make sure our systems are secure. And  
12 like I said, we are working to try to get something  
13 over to the cyber center so we have another set of  
14 eyes in case a specific issue comes up.

15 Q. And by "partner," do you mean Dominion?

16 A. Yes.

17 Q. And the cyber center, that's the  
18 Dr. Schwarzmann --

19 A. Correct.

20 Q. Okay.

21 A. Correct. And Colonel Toler I believe is  
22 the other person we met with over there.

23 Q. And he works in Dr. Schwarzmann's  
24 department?

25 A. No. Dr. Schwarzmann works beneath him.

1 He's over the whole cyber center.

2 Q. They're both --

3 (Whereupon, technical difficulty  
4 caused Mr. Cross to disconnect from  
5 the deposition.)

6 THE REPORTER: Let's go off the  
7 record.

8 (Whereupon, there was a brief  
9 recess.)

10 THE VIDEOGRAPHER: Back on the record  
11 at 11:50.

12 BY MR. CROSS:

13 Q. All right. Sorry about that,  
14 Mr. Sterling.

15 A. Technology help -- don't help unless it  
16 helps, I know.

17 Q. That's right.

18 Okay. So do you still have, I think it's  
19 Exhibit 3 up?

20 A. I'm on Page 118 if that's where you wanted  
21 to be.

22 Q. Okay. All right. Go to Page 142, please.

23 A. Okay. All right. I'm there. Which  
24 column?

25 Q. The right column. Do you see the heading

1 that reads Courts: The Ultimate Fact Check?

2 A. Yes.

3 Q. And you see, if you go to the second  
4 paragraph under that heading, do you see the  
5 paragraph that begins, "in the weeks and months"?

6 A. Yes, sir.

7 Q. And then the second sentence in that  
8 paragraph, Secretary Raffensperger writes:

9 "The ultimate fact check in the  
10 United States, however, occurs in  
11 courts of law where witnesses swear to  
12 tell the truth or risk imprisonment  
13 and where lawyers must also tell the  
14 truth or risk disbarment. If you want  
15 to know the truth, watch what happens  
16 in court."

17 Do you see that?

18 A. Yes.

19 Q. Do you agree with Secretary Raffensperger  
20 on that?

21 A. In a generalized statement, yes.

22 Q. Secretary Raffensperger has repeatedly  
23 referred to Judge Totenberg in our case as a  
24 radical left wing activist judge. Have you heard  
25 those comments, including just recently on a -- on

1 a radio show?

2 MR. RUSSO: Objection to form.

3 THE WITNESS: The general feeling and  
4 tone of that, if not the exact verbiage.  
5 But generally speaking, yes, I'm aware of  
6 that.

7 BY MR. CROSS:

8 Q. Is that -- do you share his view?

9 MR. RUSSO: Objection to form.  
10 Relevance.

11 THE WITNESS: I don't know if I  
12 would -- I don't have enough information  
13 she's -- whether she's a radical leftist  
14 or not.

15 BY MR. CROSS:

16 Q. Do you know what the basis is for  
17 Secretary Raffensperger to say that about Judge  
18 Totenberg?

19 MR. RUSSO: Objection to form again.

20 THE WITNESS: I can't get into the  
21 man's mind, sir.

22 BY MR. CROSS:

23 Q. Well, if you wanted to know why he's  
24 saying that or why he believes that, would you ask  
25 him?

1           A.     Generally speaking, if you want to know  
2     what somebody thinks, you would generally ask them.

3           Q.     So as you sit here, you're -- you don't  
4     have any understanding as to why he's saying that?

5           A.     Not specifically, no.    I know he has those  
6     feelings.

7           Q.     Okay.   All right.   Turn to Page 160,  
8     please.

9           A.     Okay.

10          Q.     And do you see the second-to-last  
11     paragraph, the last full paragraph that begins with  
12     "additionally" at the bottom of the right-hand  
13     column?

14          A.     Yes, sir.

15          Q.     Here Secretary Raffensperger writes:

16                 "Additionally, the touch screen  
17                 interfaces and attached printers are  
18                 never attached to the poll pads and  
19                 are air-gapped so they cannot connect  
20                 to the Internet."

21                 Do you see that?

22          A.     Yes.

23          Q.     And do you believe that to be true?

24          A.     Using the general layman's terms of that,  
25     yes.

1 Q. And I was going to ask, what is your  
2 understanding of what "air-gapped" means in this  
3 context?

4 A. In this context it basically means you're  
5 not through Bluetooth or WiFi going to have the,  
6 either the B.M.D., the printer or the scanner or  
7 any of those items be attached to the Internet.

8 Q. And would you consider voting equipment  
9 air-gapped even if there are -- there's removal  
10 media that is sometimes connected to components of  
11 the election system that are also used with  
12 Internet connected computers?

13 A. I know that in the -- a term of art and  
14 specificity in the cybersecurity world is that that  
15 may not be considered air-gapped. But for reg --  
16 when we're having these discussions, when you're  
17 talking to regular voters and regular citizens,  
18 they're thinking about being connected directly to  
19 the Internet in real time versus a removable media  
20 item.

21 And that would be the sec -- I'm assuming  
22 that's what the Secretary's referring to here. But  
23 you'd have to talk to him directly to know for  
24 certain, because it's his -- it's his mindset.

25 Q. All right. Come down to Page 186, please.



1       voted for the Republican nominee before  
2       any of these things happened would --  
3       should undermine that, no, any more than  
4       anybody voting for Stacey Abrams when  
5       she's claimed she was cheated out of the  
6       election either.

7               And in fact, stating that we voted  
8       for him and stating that he lost I think  
9       would probably increase people's, you  
10      know, belief in the outcome of the  
11      election.

12     BY MR. CROSS:

13       Q.     Do you agree with Secretary Raffensperger  
14      that President Trump was attempting to overturn the  
15      will of Georgia's voters?

16               MR. RUSSO:   Objection to form.   And  
17      objection based on relevance.

18               THE WITNESS:   And what -- where is  
19      he -- I need some context for where that  
20      statement is specifically.

21     BY MR. CROSS:

22       Q.     Looks like for some reason that page is  
23      not here.   It's in Chapter 10 of his book, The  
24      Aftermath, Our Hope.   He writes:

25               "President Trump was attempting to

1 overturn the will of Georgia voters,  
2 and my duty was to prevent that from  
3 happening."

4 MR. RUSSO: Same objection.

5 BY MR. CROSS:

6 Q. Do you agree -- do you agree with that?

7 A. I believe the Secretary views his role as  
8 following the law and following the Constitution  
9 and telling the truth.

10 MR. CROSS: All right. We can break  
11 for lunch.

12 THE WITNESS: Okay.

13 THE VIDEOGRAPHER: Going off the  
14 record at 11:59.

15 (Whereupon, a discussion ensued  
16 off the record.)

17 (Whereupon, there was a luncheon  
18 recess.)

19 THE VIDEOGRAPHER: We are back on the  
20 record at 12:36.

21 BY MR. CROSS:

22 Q. All right. Mr. Sterling, let me pull up  
23 the next exhibit.

24 A. So we're leaving the book and going to  
25 another exhibit in the whatchamadigger?

1 Q. Go ahead and do that.

2 A. 58 seconds?

3 (Whereupon, a video recording was  
4 played.)

5 THE WITNESS: Okay.

6 BY MR. CROSS:

7 Q. So Mr. Sterling, Exhibit 4 is a video  
8 where you spoke at a -- some sort of event; is that  
9 right?

10 A. Yes.

11 Q. And what was that event?

12 A. Democracy Week in Geneva sponsored by the  
13 University of Geneva and the Albert Hirschman  
14 center for democracy [sic] at the University of  
15 Geneva in the state of Geneva.

16 Q. Okay. And everything we just heard in  
17 Exhibit 4 in the video, does that still represent  
18 your view today?

19 A. Yes.

20 Q. And why is it historically important in  
21 Georgia for Georgians to vote in person? What is  
22 it about the pageantry that's important?

23 A. This is a personal opinion more than  
24 anything. It's -- I guess the best way to  
25 characterize it is it's I am getting in my car, I

1 am going through the -- I guess "pageantry" is not  
2 the right word. I couldn't think of the right  
3 word, so I used the best word I could think of in  
4 the moment.

5 It's essentially, it's a cultural and  
6 civic duty that you are now exercising in a very  
7 public kind of way. I mean, I was saying that  
8 there's a difference in Georgia because  
9 historically, like I said, 95 to 96 percent of --  
10 or 97 percent of people vote in person, just either  
11 advanced in person or at their polling location,  
12 and that's just been historically how it's normally  
13 been done.

14 Now, I don't know whether it's important  
15 or not. It just is. I mean, it is a statement of  
16 fact that that is what people do in this state.

17 Q. And you mentioned M.L.K. What was the  
18 significance of M.L.K. and the point that you were  
19 making about voting in person?

20 A. The point about that is we have a large  
21 population in the state that for many years was  
22 denied the right to vote easily, and not just this  
23 state, but this country. And M.L.K. is from  
24 Georgia. That was the rationale behind making that  
25 emotional connection in that particular part of the

1 talk.

2 Q. Okay. Thank you.

3 (Whereupon, Plaintiff's  
4 Exhibit 5 was marked for  
5 identification.)

6 BY MR. CROSS:

7 Q. All right. Grab the next exhibit, please,  
8 if you would, Exhibit 5.

9 A. Bear with me.

10 UNIDENTIFIED SPEAKER: It'd really  
11 help if you were --

12 THE WITNESS: Hold on.

13 UNIDENTIFIED SPEAKER: -- managing  
14 that.

15 THE WITNESS: Oh, sorry. Okay. All  
16 right. I pulled it up.

17 BY MR. CROSS:

18 Q. All right. And you see that this is  
19 entitled State Defendants' Objections and Responses  
20 to Curling Plaintiffs' First Set of  
21 Interrogatories?

22 A. Yes.

23 Q. And if you come down to the very last  
24 page, you'll see that there's a verification of the  
25 responses that you signed, looks like July of 2019.

1 Do you see that?

2 A. I don't know if I signed it July -- on  
3 July 19th, but -- July of '19, but I know I did  
4 sign this.

5 Q. Okay. All right. Come down to  
6 interrogatory number seven, please, which is at the  
7 bottom of --

8 A. Do you know what page that's on to make it  
9 a little easier?

10 Q. Yeah. It starts at the bottom of Page 9.

11 A. Bear with me. I'm not used to this  
12 computer, so I'm having to navigate.

13 Q. Okay.

14 A. The one that says, "describe with  
15 specificity each alternative system"?

16 Q. You know what, I'm sorry. I jumped too  
17 far. Go to interrogatory number two.

18 A. Number two, okay.

19 Q. Yeah. It's at Page 3. Just let me know  
20 when you've got that part.

21 (Whereupon, the document was  
22 reviewed by the witness.)

23 THE WITNESS: I'm on the question  
24 now. I've read the question.

25 BY MR. CROSS:

1 Q. Okay. So you see interrogatory number two  
2 states:

3 "Describe with specificity each  
4 known, attempted or suspected security  
5 vulnerability or security breach  
6 involving any part of the election  
7 system since Georgia adopted and  
8 implemented D.R.E.s..."

9 Do you see that?

10 A. Yes.

11 Q. And then if you come down to the response,  
12 come down to the top of Page 4, you see the  
13 paragraph that reads, "subject to and without  
14 waiving the foregoing objection"?

15 A. Yes.

16 Q. And the response indicates:

17 [As read] "State defendants state  
18 that the incident involving Kennesaw  
19 State University" or "(K.S.U.) Web  
20 server and the hacking attempt by  
21 Logan Lamb, information regarding both  
22 of which is already well known to  
23 Curling plaintiffs, are the only  
24 incidents responsive to this  
25 interrogatory."

1 Do you see that?

2 A. Yes.

3 Q. What investigation was undertaken at the  
4 Secretary's office to prepare that response to this  
5 interrogatory?

6 A. Specifically I'm a -- it's my dealing with  
7 the -- our attorneys and then with relevant staff.

8 Q. What staff?

9 A. Mainly, in that particular case, and this  
10 is D.R.E. time, it's really Michael Barnes would  
11 have been the main person to deal with anything  
12 around those.

13 Q. Was there anything else done? For  
14 example, did you engage any cybersecurity experts  
15 or other election security experts to do any  
16 assessment of the election system to answer this  
17 interrogatory?

18 A. Not to my knowledge.

19 Q. All right. You can put that aside.

20 Sorry. I'm just trying to get the next  
21 one here.

22 (Whereupon, Plaintiff's  
23 Exhibit 6 was marked for  
24 identification.)

25 BY MR. CROSS:



1 Q. All right. Grab Exhibit 6, if you would,  
2 please.

3 A. Okay. All right. I have it up.

4 Q. And do you see that this is the State  
5 Defendants' Responses and Objections to Curling  
6 Plaintiffs' Second Set of Interrogatories?

7 A. Yes, sir.

8 Q. And if you come down to Page 24 of the  
9 P.D.F., you'll see a verification that you signed  
10 for this as well.

11 A. Yeah.

12 Q. And that one, do you see it's dated August  
13 23rd, 2021? Do you see that?

14 A. Yes.

15 Q. Okay. And then if you come to the next,  
16 Page 25 of the P.D.F., just beyond your  
17 verification, do you see where it says  
18 interrogatory number 15?

19 A. One moment, please. I'm sorry. I was  
20 going the other direction assuming that was the way  
21 you were going, so let me --

22 Q. Oh.

23 A. -- scroll back down.

24 Q. Sorry.

25 A. That was my fault for making an

1 assumption. Okay. So I'm on Page 24 of 32,  
2 interrogatory number 15.

3 Q. Yeah. And do you see where it says --  
4 right. So you've got interrogatory number 15. And  
5 do you see that you've got requests for 15, 16, 19  
6 and 20 and 21, 24, 25?

7 They continue for a few pages. Do you see  
8 that?

9 A. Yeah. I mean, I see it. And I saw it  
10 before. But that's -- do you want me to read it  
11 in -- for specificity in the case now or just  
12 acknowledging that I've seeing this.

13 Q. Just right now I'm just asking if you've  
14 seen it. And then if you come on beyond that,  
15 you'll get to a heading that says Response to  
16 Revised Interrogatory 15.

17 Do you see that?

18 A. Yes.

19 Q. And then you see that there are responses  
20 from state defendants to those revised  
21 interrogatories that go through the end of the  
22 document.

23 Do you see that?

24 A. All the way to the end?

25 Q. Yeah.

1 A. Responses, yes, I see that.

2 Q. Okay. Have you seen these revised  
3 interrogatories and the responses before now?

4 A. Yeah.

5 Q. When did you see them?

6 A. I think in preparation for this  
7 deposition, spitballing, two or three weeks ago  
8 when I saw these revised ones again. I might have  
9 seen them before, but I remember going over them  
10 again a couple weeks ago, two or three weeks ago.

11 Q. Okay. And let me just pause there for a  
12 moment. What did you do specifically to prepare to  
13 be a corporate representative on the designated  
14 topics today?

15 A. Meeting with the attorneys and then  
16 dealing with different staffers within the office,  
17 specifically, you know, Merritt Beaver, Michael  
18 Barnes, Ryan Germany on our side, to kind of go  
19 over some of these things.

20 Occasionally, I think I might have had --  
21 gone to Blake Evans for some stuff. But in gen --  
22 just basically talking to other staffers and  
23 looking over what the questioning was going to be  
24 around.

25 Q. When did you start that process?

1       those are the ones where I kind of had to re --  
2       either refresh my memory or be shown them for the  
3       first time.

4           Q.     What did the two E-mails with Mr. Barnes  
5       concern?

6           A.     I remember one was specifically where  
7       there was sort of an ambiguous E-mail from him  
8       about use of, what do you call it, media that they  
9       already had. That was one that there was a  
10      specific thing that -- and then there was another  
11      one that I can't recall right now. That one stuck  
12      out in my mind.

13          Q.     Okay. All right. Take a look at, if you  
14      still have the exhibit in front of you, the revised  
15      interrogatory responses, and take a look at --

16          A.     Okay.

17          Q.     -- take a look at 15. And if you come to  
18      the second paragraph that begins "additionally," do  
19      you see that?

20          A.     One moment, because I'm back in the  
21      questions again. So where am I looking? I'm on  
22      Page 29 of 32. So where am I looking on this?

23           Q.     Do you see the heading Response to Revised  
24      Interrogatory 15?

25          A.     Yes.

1 Q. And then you'll see the second paragraph  
2 that begins "additionally"?

3 A. Yes.

4 Q. And the last sentence there reads:

5 "You asked state defendants to  
6 'describe with specificity each  
7 successful or attempted instance of  
8 unauthorized access to or copying or  
9 alteration of' the following."

10 And then there's a list of various types  
11 of computer equipment in the election system. Do  
12 you see that?

13 A. Yes.

14 Q. And then if you come down to the next page  
15 at the end of the lettered bullets, do you see  
16 the --

17 A. Yes.

18 Q. -- the paragraph that begins, "as you  
19 know"?

20 A. Yes.

21 Q. And the last sentence in that paragraph  
22 reads:

23 "To investigate each of these  
24 interrogatories is extremely  
25 burdensome and would require

1 significant time."

2 Do you see that?

3 A. Yes.

4 Q. Did I understand correctly that the state  
5 defendants, including the Secretary's office, did  
6 not undertake such an investigation for this  
7 response?

8 A. As we point out in the response itself,  
9 these are in the possessions of the counties, and  
10 there's over 30,000 of them. So I think the  
11 statement that it would be burdensome and require  
12 significant time and resources still applies.

13 So we did not send anybody to go and look  
14 at each individual B.M.D. or each individual E.M.S.  
15 and printers and scanners, et cetera, that are  
16 listed in the lettered items above, correct.

17 Q. And then if you come to the very last  
18 paragraph there, above the heading regarding  
19 interrogatory 16, it reads:

20 "In an effort to provide  
21 information responsive to this  
22 request, state defendants respond that  
23 they do not have knowledge of any  
24 election equipment used with the  
25 Dominion election system being hacked

1 in an election in Georgia."

2 Do you see that?

3 A. Yes.

4 Q. And do I understand correctly, there was  
5 not a specific investigation undertaken for that  
6 response; is that right?

7 A. Well, I think the statement there kind of  
8 stands on itself, that we were unaware of anything  
9 that was reported or anything. We have no evidence  
10 of anything. So that I think this, again, stands  
11 on its own.

12 Q. Right. But you didn't undertake a  
13 particular investigation or an inquiry to prepare  
14 that response, you just relied on what you'd  
15 already known or did not know as of that date;  
16 right?

17 A. We relied on the fact that there was no  
18 reports of anything untoward along those lines.  
19 And we had done a lot of the other things that we  
20 mentioned earlier, which included the hand tally,  
21 which included the L & A, which included the hash  
22 testing and those kind of items.

23 So things were done, not necessarily at  
24 the request of this specific interrogatory, that  
25 could give us the ability to say we are not aware

1 of any issues regarding what's being alleged or  
2 asked here.

3 Q. So in preparing this response, for  
4 example, you did not go, and before you verified  
5 it, you didn't go and review investigative files or  
6 speak with Frances Watson or others in the  
7 investigative department; right?

8 A. I personally didn't. However, employees  
9 together, staff, Mr. Germany, Blake, Frances at the  
10 time, she's no longer with the office, obviously,  
11 I'm sure they were all discussed with them, and it  
12 was represented to me that we have no knowledge.

13 And I am still aware of no alleged actual  
14 acts other than some of the claims made by the  
15 President, some of their failed lawsuits. So I  
16 have no evidence of anything like that happening --  
17 former president, pardon me.

18 Q. But when you verified this, you relied on  
19 the representations from counsel that this was  
20 accurate; is that right?

21 A. And staff.

22 Q. What staff?

23 A. State staff.

24 Q. Sorry. Who specifically?

25 A. Mr. Germany. I mean, everybody involved



1 in pulling these together, which my assumptions  
2 were would be our investigations division,  
3 Mr. Germany working with our counsel and, you know,  
4 working with our elections divisions.

5 Again, we've seen no evidence of that in  
6 the state of Georgia.

7 Q. I just want to make sure I understand that  
8 you're assuming that people in the investigation  
9 division or otherwise were consulted in preparing  
10 this response, you did not personally confirm that;  
11 right?

12 A. I did not personally go to our acting  
13 person and ask that question, no.

14 Q. Okay. And you did not personally confirm  
15 with counsel, for example, that they or anyone else  
16 had consulted the investigations division for this  
17 answer; right?

18 MR. RUSSO: And I'm just going to  
19 object to the extent it calls for  
20 attorney-client privileged communication.

21 THE WITNESS: Again, it's sort of  
22 like a dog that didn't bark. It wouldn't  
23 occur to me that anything would be  
24 represented to me incorrectly.

25 BY MR. CROSS:

1 Q. And I'm not suggesting that it's  
2 incorrect. I just want to understand what you're  
3 relying on, Mr. Sterling, versus what you're  
4 assuming. That's all I'm trying to get at.

5 A. Okay.

6 Q. So for this response, you did not confirm  
7 with counsel or others that, in preparing this  
8 response, someone actually consulted the  
9 investigations department. That's something you're  
10 assuming happened. You don't know that it  
11 happened.

12 Is that right?

13 A. That is correct. I am making an  
14 assumption of that particular, very specific  
15 statement, yes.

16 Q. Okay.

17 A. But also, outside of that I have my own  
18 basic knowledge that I talked to the investigators  
19 and the chief investigator and the acting chief  
20 investigator. And I'm making an assumption there  
21 that if some -- if there was a claim of a hack or  
22 there was evidence of it, it would have kind of  
23 bubbled up to the top to begin with. And I am not  
24 aware of anything like that. So it didn't occur to  
25 me to say, are you sure?

1 Q. Yeah. But the -- we've seen that  
2 information regarding the security of the election  
3 system does not always get shared with folks across  
4 the office, including yourself; right?

5 MR. RUSSO: Objection to form.

6 THE WITNESS: And again, in the  
7 investigation side, I don't have -- that  
8 statement is not the case.

9 BY MR. CROSS:

10 Q. So you're saying you have complete  
11 visibility into everything that the investigations  
12 department and the Secretary does, what they  
13 investigate, how they investigate and what they  
14 find with respect to election security?

15 A. No. What I said was, if something had  
16 reached that level of what would be an accused  
17 hacking or anything like that, again, in all  
18 likelihood my assumption is it would have bundled  
19 up -- bubbled up to the senior leadership, and that  
20 did not happen.

21 Q. And yet it did not bubble up to senior  
22 leadership that Dr. Alex Halderman had created a  
23 nearly hundred-page report identifying  
24 vulnerabilities with the election system in July of  
25 2021; right?

1 MR. RUSSO: Objection.

2 THE WITNESS: I believe -- I don't  
3 believe I said that. We were aware that  
4 happened. It's inside of a lawsuit, which  
5 is litigation, which is a different animal  
6 than the actual regular functioning of the  
7 office.

8 BY MR. CROSS:

9 Q. So information that's developed in a  
10 lawsuit is treated differently than information  
11 that arises in the ordinary course; is that right?

12 A. I would say in a general statement that  
13 that's correct, yes.

14 Q. All right. And the response here refers  
15 to being "hacked in an election in Georgia." Do  
16 you see that?

17 A. In the final sentence, yes.

18 Q. Yeah. If you come back to the request,  
19 which is quoted in that second paragraph we read  
20 earlier, "describe with specificity each successful  
21 or attempted instance of unauthorized access to or  
22 copying or alteration of" the following equipment,  
23 I just want to make sure we're not missing each  
24 other on terminology.

25 As a representative of the Secretary of

1 State's office, as the individual who verified the  
2 responses to these interrogatories, are you aware  
3 of any successful instance of unauthorized access  
4 to or copying or alteration of data or software on  
5 any equipment used with the Georgia election  
6 system?

7 MR. RUSSO: Objection to form.

8 THE WITNESS: I am not.

9 BY MR. CROSS:

10 Q. Okay. And would that include, for  
11 example, like, the voter registration system?

12 A. Yes.

13 Q. Okay. Are you aware of any attempted  
14 instance of unauthorized access to or copying or  
15 alteration of the election system in Georgia?

16 MR. RUSSO: Objection to form.

17 THE WITNESS: It depends on what  
18 you're defining as the election system in  
19 Georgia. I mean, there was the Logan Lamb  
20 issue. There is, if I remember correctly,  
21 around that that was really about an  
22 F.T.P. site, not the actual registration  
23 system itself.

24 So I want to be careful by answering  
25 these things. I'm unaware of anybody

1 actually getting into the registration  
2 system itself or even attempting other  
3 than people -- oftentimes we see people go  
4 to SOS.GA.gov assuming they're finding a  
5 way to get there.

6 And you know, we have thousands of,  
7 you know, I guess they call them hits,  
8 some people trying to do things on that  
9 front. But that's not any good -- that's  
10 no way to get to the actual ENet system.

11 So again, I'm not aware of anybody  
12 getting to a point where we could say,  
13 yes, that was an attempt to actually get  
14 to the registration system itself.

15 BY MR. CROSS:

16 Q. All right. Let me pull the next exhibit.

17 A. Let me know when it's there.

18 Q. Okay.

19 (Whereupon, Plaintiff's  
20 Exhibit 7 was marked for  
21 identification.)

22 BY MR. CROSS:

23 Q. All right. You should have Exhibit 7.

24 A. First Requests for Admission?

25 Q. Yes.

1 A. Okay.

2 Q. Have you seen this document before?

3 A. I don't know that I've seen this one  
4 before.

5 Q. Okay. You can see this is State  
6 Defendants' Responses to Curling Plaintiffs' First  
7 Requests for Admission; right?

8 A. Yes, I see that.

9 Q. Okay.

10 A. The problem I'm having now, I've seen so  
11 many of these that kind of look alike, that naming  
12 convention doesn't strike -- first requests for  
13 admission, I don't recall seeing that, but I might  
14 have seen this.

15 Q. All right. Take a look at -- if you come  
16 to Page 2, you'll see where the requests and the  
17 responses start, and you'll see number one there.  
18 Do you see that?

19 A. Under Objections and Responses to  
20 Requests?

21 Q. Yes.

22 A. Yes, I've got it.

23 Q. And you see the first one here reads:

24 [As read] "Admit that Deputy  
25 Secretary of State Jordan Fuchs was

1 is denied."

2 Yes.

3 Q. Do you know what the basis is for that  
4 denial?

5 A. I do not.

6 Q. As you sit here, are you aware of any  
7 federal judges that have found that my clients,  
8 Donna Curling, Donna Price, Jeffrey Schoenberg, or  
9 any of their experts, Dr. Halderman, Dr. Andrew  
10 Appel or others, have zero credibility?

11 MR. RUSSO: Objection. Form.

12 THE WITNESS: I'm not personally  
13 aware of that, no.

14 BY MR. CROSS:

15 Q. And that's not something you discussed  
16 with Jordan Fuchs?

17 A. No.

18 Q. All right. Take a look at number eight,  
19 which is on Page 7, please. Just let me know when  
20 you've got it.

21 A. I'm there, yeah.

22 Q. And number eight reads:

23 "Admit that the Secretary of

24 State's office did not work with a

25 consulting cybersecurity firm to



1           conduct an in-depth review and formal  
2           assessment of the election system."

3           Do you see that?

4           A.    Yes.

5           Q.    And if you come down to under eight, you  
6           see the last sentence for the response reads:

7           "Because the Secretary of State's  
8           office worked with consultants that  
9           reviewed and assessed the State's  
10          election system, this request is  
11          denied."

12          Do you see that?

13          A.    Yes.

14          Q.    What consultants are referred to here that  
15          reviewed and assessed the State's election system?

16          A.    I don't know. But we do have a contract  
17          with Dominion voting systems that they -- we have  
18          to work with them, and it's on their responsibility  
19          to keep us up to the highest level of security  
20          possible and make us aware of any issues that may  
21          come forth.

22          Q.    Are there any vendors or consultants that  
23          you can think of for this response apart from  
24          Dominion?

25          A.    Perhaps Fortalice, but I don't know.

1 Q. You're not aware of any assessment like  
2 that's called for in request eight by Fortalice; is  
3 that right?

4 A. I'm sorry. You -- somebody was scraping  
5 when you were talking. I couldn't quite --

6 Q. Oh, I'm sorry.

7 A. -- hear you.

8 Q. Yeah. Sorry. The cybersecurity  
9 assessment that's referred to in request eight,  
10 you're not aware of any assessment like that by  
11 Fortalice, though; right?

12 A. Specifically, no, I'm not. I know that  
13 they're -- they are our kind of go-to for those  
14 things. And then, of course, everything is  
15 reviewed by Pro V & V as well for the certification  
16 by the State.

17 Q. All right.

18 A. And with that, it's 1:12. I apologize. I  
19 have to use the restroom real quick, so I'll be --  
20 if we can do three minutes and be back at 1:15,  
21 does that work?

22 Q. That works.

23 A. All right. Thank you. I apologize.

24 Q. Sure.

25 THE VIDEOGRAPHER: Off the record at

1 1:12.

2 (Whereupon, a discussion ensued  
3 off the record.)

4 (Whereupon, there was a brief  
5 recess.)

6 (Whereupon, Ms. Connors joined the  
7 deposition.)

8 THE VIDEOGRAPHER: And we are back on  
9 the record at 1:15.

10 BY MR. CROSS:

11 Q. Okay. Sticking with the R.F.A. responses  
12 here, Mr. Sterling --

13 A. And which number are we on?

14 Q. Go to number 25 on Page 16. I tell you  
15 what, actually, just jump to number 27.

16 A. Okay.

17 Q. Start there.

18 A. Okay.

19 Q. Here it reads:

20 [As read] "Admit that you did not  
21 develop procedures -- did not develop  
22 procedures or take other action to  
23 address any of the deficiencies found  
24 by the Court in its August 15, 2019  
25 order concerning the voter

1 registration database."

2 Do you see that?

3 A. Yes.

4 Q. And the response at the end indicates the  
5 state defendants -- they object because "it  
6 requires state defendants to admit or deny an issue  
7 in dispute in this case in order to respond."

8 Do you see that?

9 A. Yes, I do.

10 Q. Do you know whether the Secretary's office  
11 took -- developed any procedures or took other  
12 actions that are described in request number 27?

13 A. I do not know that -- I do not know. From  
14 reading the specific thing, other deficiencies  
15 found by the Court in August 15, 2019, no, I do not  
16 know one way or the other.

17 Q. Come back up to 25, please.

18 A. Okay.

19 Q. 25 reads:

20 "Admit that you did not develop  
21 procedures or take other action to  
22 address all the deficiencies found by  
23 the Court in its August 15, 2019 order  
24 concerning the election system."

25 And it's got a similar response which

1 state the clients can't answer one way or the  
2 other. Do you know whether any such procedures or  
3 actions were taken?

4 MR. RUSSO: Objection to form.

5 THE WITNESS: I know we're always  
6 updating procedures and actions. Whether  
7 they were in response to the August 15,  
8 2019 finding of the Court, I do not know  
9 the answer to that.

10 BY MR. CROSS:

11 Q. Okay. All right. Come to number 43,  
12 please, on Page 26.

13 A. I've got it.

14 Q. And here it reads:

15 "Admit the D.R.E. system is  
16 completely separate from the B.M.D.  
17 system."

18 Do you see that?

19 A. Yes.

20 Q. And the response is:

21 "...state defendants admit that  
22 the B.M.D. system is separate from the  
23 D.R.E. system."

24 Do you see that?

25 A. Yes.

1       trying to be accomplished by the lack of that word,  
2       no.

3           Q.     Okay. Okay. All right. So you're not  
4       aware of any interactions, connections or overlap  
5       of -- between the data, the equipment or the  
6       software from the old D.R.E. system and the new  
7       B.M.D. system; is that fair?

8           MR. RUSSO:   Objection to form.

9           THE WITNESS:   Vince, I'm sorry --

10          MR. RUSSO:   I just said, "objection  
11       to form."

12          THE WITNESS:   Okay. That would be a  
13       fair statement, yes.

14       BY MR. CROSS:

15          Q.     All right. Come to 65, please.

16          A.     Okay. Okay.

17          Q.     And you see 65 says:

18                 "Admit that security deficiencies  
19                 or vulnerabilities identified by  
20                 Fortalice with the ENet system have  
21                 not been fully mitigated."

22                 Do you see that?

23          A.     I do. I'm reading it real quick.

24                 (Whereupon, the document was  
25       reviewed by the witness.)

1 THE WITNESS: Okay.

2 BY MR. CROSS:

3 Q. And you see the response, the State did  
4 not answer this one way or the other. They don't  
5 admit or deny it.

6 Do you know whether security deficiencies  
7 or vulnerabilities that Fortalice identified with  
8 the ENet system, whether they have been fully  
9 mitigated?

10 A. I know with pretty -- with a lot of  
11 certainty that, if not all, the vast majority have.  
12 I remember we had a discussion with Merritt about  
13 this, God, a while back.

14 And I can't speak to what specifically  
15 they were at this point because it's been so long,  
16 but I know there were several things that were done  
17 on how we managed permissions and passwords and the  
18 like. And I remember there were some bad practices  
19 at the county level in some cases where, like, they  
20 would have multiple people on a single user ID and  
21 password. That's been stopped.

22 They -- now, if you don't log in for I  
23 believe it's 30 days, those credentials are lost.  
24 They have to be -- you have to be re-upped.  
25 There's multi-factor authentication on all those

1 things.

2 So I do know the vast majority -- I can't  
3 recall what they all were. I do know that the vast  
4 majority of those were addressed inside prior to  
5 the 2020 election, if memory serves.

6 Q. As you sit here, you're not aware of which  
7 of those deficiencies remains outstanding today; is  
8 that right?

9 A. Or if any, honestly.

10 Q. Okay. All right. Come to 74, please.

11 A. Okay.

12 Q. And here it states:

13 "Admit there was no systematic  
14 method of tracking the number of  
15 Georgia voters that complained that  
16 the B.M.D. print-out for their  
17 respective votes did not match the  
18 selections they each made on the  
19 corresponding B.M.D. in the November  
20 2020 election."

21 Do you see that?

22 A. Yes.

23 Q. And if you come to the second-to-the-last  
24 sentence under response, you're welcome to read the  
25 whole thing, but that second-to-last sentence says:



1 "State defendants further deny  
2 that it does not keep track of  
3 complaints made to state defendants."

4 Do you see that?

5 A. Yes.

6 Q. Is there some sort of a systematic method  
7 or process that the Secretary's office has to keep  
8 track of instances where voters complained that  
9 their B.M.D. print-out did not reflect the  
10 selections they made on the B.M.D.?

11 A. There are the -- they're supposed to --  
12 for spoiled ballots, they are supposed to, the  
13 counties are supposed to inside the poll locations  
14 use the spoil ballot. I think there's a form,  
15 there's a recap form that's supposed to list out  
16 what happened with these particular ones.

17 I will say that we didn't have very many  
18 at all out of the five million, or I guess the  
19 three million in per -- or sorry, 3.75 million  
20 in-person votes that would have been done on a  
21 B.M.D. that had those situations.

22 But the -- they're supposed to be using  
23 the ballot recap forms to track spoiled ballots,  
24 yes.

25 Q. And what happens to a spoiled ballot?

1 Where does it go?

2 A. It should be held with, as I understand  
3 it, the other documentation and ballots for the  
4 election with a kind of a recap form basically  
5 saying this is what happened with these ballots.

6 Q. Do the counties keep those?

7 A. Yes. And then if memory serves, this  
8 would go along with the other things that are  
9 transferred to the Superior Courts, and they hold  
10 them for the 22 months after that.

11 Q. But the only -- the only reporting that  
12 the Secretary gets of this type of concern where a  
13 voter says that the B.M.D. print-out doesn't  
14 reflect their selections, you learn about that only  
15 if the county conveys that to the Secretary; is  
16 that right?

17 A. Correct.

18 Q. Okay. But there's no systematic method or  
19 requirement for counties to convey that?

20 A. Again, they have the ballot recap forms.  
21 And there may be something in the paperwork they  
22 send up, but I don't recall one specifically, for  
23 that very narrow purpose, no.

24 Q. Okay. One of -- one of the issues that  
25 arose with the new system in 2020 elections was

1 that sometimes the printers would print two ballots  
2 when the voter would vote.

3 Are you aware of that?

4 A. Not two ballots. What I was aware of is  
5 that they would print one with, like, just a Q.R.  
6 code and another one with the readable parts  
7 together. They would come out as two ballots. So  
8 I was aware that that happened in a very few  
9 instances, yes.

10 Q. And when that happened, was there any  
11 investigation undertaken, like, a forensic  
12 examination of the machines involved?

13 A. I believe in a couple of those cases they  
14 went and pulled the log files. I'm not sure what  
15 happened after that off the top of my head.

16 Q. If you wanted to know, who would you ask?

17 A. I would probably call Dominion, because I  
18 think they were the ones that would have to pull  
19 those log files.

20 Q. So you're not aware of an examination of  
21 the machines involved apart from the log files?

22 A. Well, the log files would show you what  
23 happened and why it happened. So there wouldn't  
24 need to be much beyond that, normally speaking, as  
25 my understanding is.

1 Q. And what's the basis for the understanding  
2 that the log files would tell you why that  
3 happened?

4 A. Because the log files basically track  
5 everything that happens inside the system, and you  
6 can -- for smart people who understand those  
7 things, they can kind of walk through and see what  
8 happened as to -- to cause that kind of issue.

9 Q. Was any of the equipment that that  
10 happened with, do you know whether any of that  
11 equipment was taken out of use in the elections?

12 A. I believe that in real time when that  
13 happened, I do -- I have a recollection of there  
14 being at least one county that took one of those  
15 machines and just put it off to the side and didn't  
16 use it the rest of the day. I cannot recall what  
17 county that was off the top of my head right now.

18 Q. But the other counties or the other  
19 machines, they didn't take them off-line?

20 A. I don't know. I know specifically that  
21 one did, but I cannot recall what the other ones  
22 may or may not have done after that.

23 Q. Okay.

24 A. But again, I will say I didn't hear about  
25 a machine doing it multiple times. So I'm going to

1 make somewhat of an assumption they probably took  
2 some of those out of -- out of service just to  
3 avoid that problem or they kept running it when the  
4 problem didn't reappear.

5 Q. And if you wanted to know whether machines  
6 were taken out of service in an election, would  
7 that be a question you ask the county or is there  
8 someone else you could ask?

9 A. You have to ask the county, because they  
10 are in charge of running the polling locations and  
11 the use of equipment.

12 Q. Okay. All right. Take a look at 78,  
13 please.

14 A. Okay.

15 Q. Here it states:

16 "Admit that the results of the  
17 full hand recount of the human  
18 readable text on B.M.D.-marked ballots  
19 did not match the results of the Q.R.  
20 code scanning for those ballots within  
21 an expected margin of error."

22 Do you see that?

23 A. Yes.

24 Q. And do you know whether that's true or  
25 not?

1 A. As I stated a couple of times in this  
2 deposition so far, being a point 1053 percent off  
3 in the total votes cast and point 0099 percent off  
4 in the margin is well within an expected margin of  
5 error. So I can state that unequivocally.

6 Q. So but and I had understood you to say  
7 that earlier. Do you know why, then, state  
8 defendants declined to admit or deny this response?

9 A. No. I'm not a lawyer, so I don't know  
10 what the rationale would necessarily have been.

11 Q. If you wanted to know why they were  
12 unwilling to deny this response, who would you ask?

13 A. Probably my lawyers.

14 Q. Okay. All right. Take a look at 80.

15 A. Okay.

16 Q. And just so we're clear, sorry, you don't  
17 have any reluctance in denying 78; right?

18 A. Let me go back and look at it again.

19 Q. Yeah.

20 A. I have zero reluctance denying that  
21 statement, yes.

22 Q. All right. So take a look at 80. 80  
23 states:

24 [As read] "Admit that the full  
25 hand recount performed in connection

1 with the November 2020 election did  
2 not check whether the human readable  
3 text on B.M.D.-marked ballots matched  
4 the results of Q.R. code scanning."

5 Do you see that?

6 A. Yes.

7 Q. And is that statement, based on your  
8 experience, true or false?

9 A. Well, going back to the earlier question  
10 you asked where we kind of had to go over some  
11 definitional items, an individual ballot was not  
12 checked to see if the B.M.D. -- if the Q.R. code  
13 matched the human readable.

14 That stated, in the aggregate it showed  
15 that the result of the election was essentially the  
16 same when we had a hand count of those ballots  
17 using the human readable portion. So the logical  
18 assumption is that the ballots were cast as  
19 intended.

20 Q. But you don't dispute that the hand  
21 recount of the November 2020 election did not check  
22 whether the human readable text on B.M.D.-marked  
23 ballots matched the results of the Q.R. code  
24 scanning for those ballots; right? That's not  
25 something --

1 A. I dis --

2 Q. -- that you --

3 A. I dispute that that's the intent of the --  
4 of the hand tally that was done. I do not dispute  
5 that that wasn't done, because that wasn't the  
6 intent for the hand tally.

7 Q. Okay. All right. Take a look at 81,  
8 please.

9 A. Okay.

10 Q. It reads:

11 "Admit that the full hand recount  
12 performed in connection with the  
13 November 2020 election did not check  
14 whether the human readable text on  
15 B.M.D.-marked ballots actually  
16 reflected the selections each voter  
17 intended for each of those ballots."

18 Do you see that?

19 A. Yes.

20 Q. And is that statement true or false, based  
21 on your experience?

22 A. Again, following the same logic train we  
23 had in the last question, that wasn't the intent of  
24 this.

25 However, when you have -- come to a point



1 1053 percent on the total ballots cast and point  
2 0099 percent on the margin, that the human readable  
3 matched what was tallied even within the counties  
4 and then statewide as well.

5 There is no evidence pointing to the fact  
6 that the Q.R. code did not match the human readable  
7 portion of the ballot.

8 Q. But you didn't -- the State didn't  
9 undertake any investigation to determine whether  
10 the human readable portion of the ballots that were  
11 hand tallied, whether that accurately reflected  
12 what the voters selected on the B.M.D. screen;  
13 right?

14 A. That is correct. Except for that the hand  
15 tallied showed that the computers counted the way  
16 the hands -- that they were marked by the -- by the  
17 voter in the human readable portion.

18 Q. Right.

19 A. So knowing that, there's no reason to  
20 believe that the Q.R. code does not match that, or  
21 that in 25 percent of the ballots that the  
22 hand-marked didn't match what they had chosen there  
23 as well, the tick marks were somehow off in the  
24 computers -- tally marks, pardon me.

25 Q. Right. But given that the study that the

1 systemic error on those things.

2 Again, you have to look at these precinct  
3 by precinct. And again, in my old life, political  
4 consulting, no -- there was no precinct that  
5 anybody looked at and said, wow, that's really  
6 weird, that's really anomalous.

7 The things we saw with the hand tallies  
8 were, again, essentially mainly attributable to  
9 human error and mainly in Fulton County. And  
10 again, and Fulton County has a well documented past  
11 of having bad management and some sloppy practices,  
12 so that's not unheard of in those situations.

13 Q. And you mentioned before you're familiar  
14 with one of the experts in this case, Philip Stark;  
15 right?

16 A. Yes, I'm familiar with him.

17 Q. Are you aware that he produced a report in  
18 January of this year addressing, at least in part,  
19 the human tally and the error rates that came to  
20 light?

21 A. No.

22 Q. So that's not a report that you've ever  
23 read or considered; right?

24 A. I'm not aware of it, no.

25 Q. Do you know whether anyone at the

1 Secretary of State's office has reviewed that  
2 report?

3 A. I do not.

4 Q. If that report were to identify error  
5 rates that would cause concern as to whether the  
6 machines had operated accurately, is that something  
7 you would want to see?

8 A. That's a large supposition, and it would  
9 depend on the level and the documentation behind  
10 it.

11 Because again, you can only go with the  
12 data that you're given, which in this case  
13 oftentimes was done by human error into the Arlo  
14 system and even human error on the tally sheets  
15 themselves. So we would have to compare some of  
16 those items.

17 But I wouldn't have any objection to our  
18 office looking at that, no.

19 Q. Do you know why your office has not looked  
20 at that yet?

21 A. Frankly, I didn't know it existed. So I  
22 can't look at things I don't know exist.

23 Q. Okay. Are you aware that the Dominion  
24 scanners will tabulate a photocopy of a B.M.D.  
25 printed ballot in the same way they'll tabulate the

1 necessarily made sense to have it at the central  
2 scanner at that time.

3 Q. All right. Come to 106, please, on Page  
4 53?

5 A. One moment.

6 Q. Sure.

7 A. I clicked out of that for a moment. You  
8 said 106; correct?

9 Q. Yes, sir.

10 A. Okay.

11 Q. And so 106 says:

12 "Admit that no expert who has  
13 testified on your behalf in this  
14 litigation has, to your knowledge,  
15 forensically examined each B.M.D. used  
16 in any actual elections in Georgia to  
17 determine whether malware was loaded  
18 on to it at any point in time."

19 Do you see that?

20 A. Yes.

21 Q. And do you see the response, the state  
22 defendants, including the Secretary's office,  
23 declined to answer this as seeking privileged work  
24 product?

25 Do you see that?

1 A. Yes.

2 Q. Are you aware of any forensic examination  
3 of each B.M.D. used in actual elections in Georgia  
4 for the purpose of this case or any other purpose  
5 by any expert who's testified for the State?

6 A. When you're saying "each B.M.D.," you're  
7 referring to all 30 some odd thousand that have  
8 been used in elections?

9 Q. Yes.

10 A. Then no, I'm not aware of that.

11 Q. What about of any B.M.D.s?

12 A. After the November of 2020 election, there  
13 were -- Pro V & V was sent to several counties to  
14 look at random B.M.D.s and scanners to see if there  
15 was any issues. They did a hash test to look for  
16 those kind of items. That is the only thing I'm  
17 aware of off the top of my head specifically kind  
18 of speaking to 106.

19 But then again, between the November  
20 election and the January election, L & A testing  
21 was done again on all those machines, and they  
22 checked the hashes in those then, so there were no  
23 changes noted then.

24 Q. Come to 173, please. We're almost done  
25 with this document.

1           Because the issue was a display of two  
2           columns because of the sheer size of the particular  
3           Senate special election. And we had, through our  
4           very robust logic and accuracy testing, Douglas  
5           County and Richmond County found the issue, and  
6           then Dominion found an engineering solution that  
7           allowed that -- both columns to be displayed in  
8           every circumstance and that we needed to have that  
9           change done and we did that prior as -- on the  
10          front end to the L & A testing.

11           So we didn't see anything come out with  
12          any accuracy issues or reliability or security that  
13          we saw in the actual functioning, but I don't know  
14          if Pro V & V did testing in and of itself for that  
15          purpose when they went back to look at the  
16          solution.

17           Q.    All right. Take a look at 186, please, on  
18          Page 90.

19           A.    Okay. I'm there.

20           Q.    Here it reads:

21                   [As read] "Admit that you have no  
22                   evidence of any widespread voter fraud  
23                   in Georgia in connection with  
24                   elections held in Georgia on November  
25                   3rd, 2020 and January 5th, 2021."

1 Do you see that?

2 A. Yes.

3 Q. Do you know whether that is a true or  
4 false statement based on your experience in the  
5 Secretary's office?

6 A. From my position and what I said earlier  
7 was the use of the term "widespread voter fraud" is  
8 kind of a fraught emotional loaded kind of  
9 statement.

10 We know that there was illegal voting. We  
11 know that that illegal voting only totalled in the  
12 tens of votes, not the tens of thousands of votes.  
13 So there was not enough illegal voting to affect  
14 the outcome of any election that we are -- we've  
15 seen or been aware of so far.

16 Q. And we saw earlier that Secretary  
17 Raffensperger in his book states unequivocally that  
18 you found -- his office found no evidence of  
19 widespread voter fraud in the 2020 or 2021  
20 election; correct?

21 A. That's right.

22 Q. So do you know why the Secretary's office  
23 and the other state defendants were unwilling to  
24 admit or deny this request?

25 A. No.

1 (Whereupon, Plaintiff's  
2 Exhibit 8 was marked for  
3 identification.)

4 BY MR. CROSS:

5 Q. Grab Exhibit 8, if you would, please.

6 THE VIDEOGRAPHER: Back on the record  
7 at 2:03.

8 MR. CROSS: Oh. Sorry.

9 THE WITNESS: Okay. An E-mail from  
10 me. Okay.

11 BY MR. CROSS:

12 Q. Yeah. So if you look at Exhibit 8,  
13 there's an E-mail at the top from you on December  
14 29, 2020, to some folks at Dominion Voting and  
15 internally at the Secretary of State's office.

16 Do you see that?

17 A. Yeah.

18 Q. Okay. And if you come down, there's an  
19 E-mail initially from Beau Roberts at Dominion on  
20 December 28, 2020. Do you see that?

21 A. No. It won't scroll. I've got a single  
22 page on mine.

23 Q. It's --

24 A. I'm sorry. Yeah. I got it. I got it.

25 Yeah.



1 Q. Sorry. It's in the middle of that first  
2 page.

3 A. Yes.

4 Q. And there are a couple of issues that are  
5 identified, one with Paulding County and one with  
6 DeKalb County. Do you see that?

7 A. Uh-huh. Yes.

8 Q. And then you write back:

9 "Are they duplicating them on  
10 hand-marked or B.M.D.?"

11 Do you see that?

12 A. Yes. Yes.

13 Q. And you were talking about duplicating,  
14 was it the absentee ballots that were not scanning?

15 A. Yes. That's what I was referring to.  
16 Looking at this in context, that's what I would  
17 have been referring to, yes.

18 Q. And are -- when the absentee ballots,  
19 which are hand-marked, when those sometimes don't  
20 scan, are those duplicated so that they can be  
21 scanned?

22 A. Yes.

23 Q. And are those duplicated both -- well, let  
24 me be more precise.

25 When that duplication occurs, is that

1 sometimes by marking a new ballot by hand or other  
2 times by generating it on a B.M.D.?

3 A. Yes.

4 Q. And how is a duplicate ballot in that  
5 situation generated on a B.M.D. given there's not a  
6 voter that's coming in and using a voter card to  
7 vote on the B.M.D.?

8 A. They would just, following the same  
9 process, they would take this is the ballot style,  
10 they would have a card that they would then say  
11 this is the ballot style to bring up, they would go  
12 to the B.M.D., pull that ballot up, and then  
13 basically take the hand-marked in their hand and  
14 then vote it the same way it was voted on the  
15 B.M.D. ballot, and then they would print the B.M.D.  
16 ballot with it.

17 And it's supposed to be, when you  
18 duplicate it, you're supposed to be able to track  
19 back to this duplicated ballot tracks back to this  
20 original document, this original artifact.

21 Q. And so that's something that the, is it  
22 the poll worker, the election workers, who does the  
23 duplication in that situation with the B.M.D.?

24 A. In the sit -- normally in that situation,  
25 that's going to be at the county level with the not

1 poll workers or poll managers, even it'd be -- it  
2 would normally be county workers.

3 As an example, one of the things we saw a  
4 lot of the duplications done on were in Fulton  
5 County. When they ran their absentee ballots  
6 through the cutters, occasionally the cutting  
7 machine would grab the ballot and slice it as well.

8 And they would take those ballots and then  
9 put -- and then duplicate them onto the B.M.D. --  
10 on the B.M.D. machines at the central absentee  
11 ballot processing facility. Like, I saw Rick  
12 Barron himself doing some of those.

13 Q. Okay. Are you aware of whether the  
14 existing B.M.D.s in Dominion -- or sorry, in  
15 Georgia can effectively be used as ballot-on-demand  
16 printers at the polls meaning, rather than having  
17 voters vote on the B.M.D., you check the voters in  
18 on the poll pad and then you just use the B.M.D. to  
19 print whatever ballot they're supposed to get, and  
20 then they can mark it by hand and have it tabulated  
21 by the scanner?

22 Are you aware of whether that's do-able  
23 with this system?

24 MR. RUSSO: Objection to form.

25 THE WITNESS: The way you've outlined

1           it, not that I'm aware of, no.

2       BY MR. CROSS:

3           Q.     You say the way I --

4           A.     And I'm sure -- go ahead.

5           Q.     Well, I just -- you say the way I outlined  
6       it. Is there some version of that that you're  
7       aware of that can be done?

8           A.     Not with this -- not with the current  
9       software.

10          Q.     And what is it about the current software  
11       that limits that?

12          A.     Well, it's not limiting. The software is  
13       not designed to do that.

14          Q.     Not designed to do what part of what I  
15       just described?

16          A.     What you just said is to print out a  
17       hand-marked paper ballot to fit that. One of the  
18       issues you have is, when you're doing a ballot,  
19       okay, in the state right now there are several  
20       different ballot sizes. There's not a good way to  
21       necessarily shrink it down to have the tick marks  
22       line up properly inside the polling place scanner  
23       and the B.M.D. as we have right now set on eight  
24       and a half by 11 paper.

25                There's a lot of logistical issues around

1           A.     It would require massive changes in how  
2     the system's put together, additional equipment,  
3     different training. Again, I don't see the  
4     advantage of going backwards in technology.

5           Q.     But the technology could do it; right?

6           A.     The technology can do it. I mean, you  
7     could -- there's -- no question there's a  
8     technological way to do it. It's a question of  
9     function of training, what are the up sides, what  
10    are the down sides, what are the problems, again,  
11    what are the logical issues.

12                   There's varied and sundry questions that  
13    could to be answered on the -- need to be answered  
14    if you're going to go any of those kind of routes.

15                               (Whereupon, Plaintiff's  
16                               Exhibit 9 was marked for  
17                               identification.)

18    BY MR. CROSS:

19           Q.     All right. Grab the next exhibit, please.  
20    I think it's Exhibit 9.

21           A.     Yes. Blake Evans' E-mail?

22           Q.     Yeah. So at top is an E-mail from Blake  
23    Evans to Andrew Jackson, on March 1st, 2021. Do  
24    you see that?

25           A.     Yeah.

1 Q. And then if you come down, on Page 3 -- I  
2 tell you, to make it easier, do you see at the  
3 bottom right corner where it says State Defendants  
4 and a series of numbers?

5 A. 001726 --

6 Q. Yeah.

7 A. -- 79? Yeah.

8 Q. Go to the one that ends in 680.

9 A. Got it.

10 Q. And you see at the very bottom of that  
11 page there's an E-mail from someone named Joseph  
12 Rossi at Gmail?

13 A. Yes.

14 Q. Who's -- and you received this E-mail on  
15 February 25th, 2021. Do you see that?

16 A. Yes.

17 Q. And the E-mail purports to identify a  
18 number of what this person seems to believe are  
19 errors with the audit, specifically regarding  
20 Fulton County.

21 Do you see that?

22 A. Yes.

23 Q. And do you recall this E-mail?

24 A. Yes.

25 Q. And if you come up to the first page, the

1 E-mail in the middle is one that you sent to Blake  
2 Evans forwarding this on to him on March 1st, 2021.  
3 Do you see that?

4 A. At the very first page? Yes.

5 Q. And then you write in the second sentence:

6 "I think we should explain these  
7 are not 'vote' totals. They are" --

8 Q. "They are intended to assure the  
9 computers are counted correctly, which  
10 it does."

11 Do you see that?

12 A. Yes.

13 Q. What did you mean that "these are not vote  
14 totals"?

15 A. Again, there's a fundamental  
16 misunderstanding by many people, especially people  
17 who believe in the "stop the steal" conspiracies,  
18 that the audit is somehow the new official vote  
19 total and is supposed to directly replicate what  
20 was done in the original November count, which as I  
21 just explained earlier it is not intended to do  
22 that. It's supposed to look at these things in the  
23 aggregate.

24 Now, there are better ballot handlings  
25 that Fulton County should have done to avoid these

1 human errors of both tallying and also inputting  
2 that have led to many of these kind of issues.

3 That's what I mean they're not actual  
4 votes. These aren't counted as votes. They're not  
5 official certified votes. All they're supposed to  
6 do is show that the computers counted the ballots  
7 as presented. And that's what the overall audit  
8 showed is what I'm saying here.

9 Q. And when you say "counted the ballots as  
10 presented," you mean at an aggregate level?

11 A. Yes.

12 Q. Okay.

13 (Whereupon, Plaintiff's  
14 Exhibit 10 was marked for  
15 identification.)

16 BY MR. CROSS:

17 Q. All right. Pull up Exhibit 10, please.

18 A. I've got it up.

19 Q. Okay. And do you see Exhibit 10 is an  
20 E-mail that you sent to Michael Barnes, and you  
21 copied Richard Barron at Fulton County and some  
22 other folks at Fulton, on October 26th, 2020?

23 A. Yes.

24 Q. And if you come down to the bottom of the  
25 first page, this E-mail thread originates with an



1 E-mail from Rick Barron on October 26th, 2020. Do  
2 you see that?

3 A. Yes.

4 Q. And he writes to Mr. Barnes:

5 "We are discovering B.M.D.s that  
6 have no State certification seal on  
7 them."

8 And he also goes on at the end of that to  
9 say:

10 "We also have many printers that  
11 haven't been tested."

12 Do you see that?

13 A. Yes.

14 Q. And then Mr. Barnes responds:

15 "Please get me the count as soon  
16 as you can. I will send people down  
17 in the morning."

18 Do you see that?

19 A. Yes.

20 Q. And then you write, following up:

21 "We will get folks there per  
22 Michael's E-mail earlier."

23 Do you see that?

24 A. Yes. Uh-huh.

25 Q. Do you recall this situation?

1 A. Yes.

2 Q. What do you recall about why Fulton County  
3 was finding B.M.D.s that had no State certification  
4 seal on them and printers that had not been tested?

5 A. If memory serves, they bought additional  
6 equipment outside of the State purchase directly  
7 from Dominion.

8 Dominion's supposed to send things to the  
9 State for us to certify and then send on to the  
10 county. It looks like in this particular instance  
11 they sent a chunk directly to the county without  
12 going through State certification originally, if  
13 memory serves.

14 Q. And are you sure that's what this is or  
15 you're --

16 A. I'm 99 percent sure. I mean, I remember  
17 this happening at the time, and that's what we  
18 discussed. And then we sent people down there to  
19 test them and serve -- accept them and then  
20 officially transfer them to Fulton County at that  
21 point.

22 Q. Did this happen with any other counties?

23 A. No. Not that I recall. I mean, Fulton  
24 was also, they were buying additional equipment out  
25 of the gate for different things. And for the most

1 part, this stuff came through the Dominion  
2 warehouse, State certifiers were there, and then  
3 they were sent on to Fulton.

4 It looks like one truck just must have  
5 gone straight in through a logistical error.

6 Q. Okay. So did the Secretary's office send  
7 individuals down to test all of the B.M.D.s and  
8 printers?

9 A. Yes.

10 Q. And were new seals applied, State  
11 certification seals to the B.M.D.s before they were  
12 used?

13 A. Yes.

14 Q. And the testing that was done, was that  
15 logic and accuracy testing and hash testing or  
16 something else?

17 A. It was acceptance testing.

18 Q. Okay. Are you aware of any B.M.D.s having  
19 been lost or misplaced that were intended to be  
20 shipped to Georgia?

21 A. Not that I'm aware of, no.

22 Q. Is that something that has -- an  
23 investigation has been undertaken at any point to  
24 look into?

25 A. I'm not sure of any claim of a lost one to

1           that's okay with everybody, just for a  
2           moment. So.

3           MR. RUSSO: Yeah.

4           (Whereupon, a discussion ensued  
5           off the record.)

6           THE VIDEOGRAPHER: Off the record,  
7           2:25.

8           (Whereupon, a discussion ensued  
9           off the record.)

10          (Whereupon, there was a brief  
11          recess.)

12          THE VIDEOGRAPHER: All right. We're  
13          back on the record at 2:28.

14       BY MR. CROSS:

15           Q.    Sorry. Mr. Sterling, quickly, you  
16           testified earlier that you'd gotten a call from  
17           Dominion's C.E.O. at some point conveying to you  
18           that Dr. Halderman had asked Dominion to engage him  
19           to do work and to pay him for work that he'd  
20           already done with respect to their equipment.

21                   Do you recall that testimony?

22           A.    Yes. And something along those lines in a  
23           general way, yes.

24           Q.    Have you since learned during the course  
25           of this deposition what the actual facts were

1 regarding that possible engagement?

2 A. Well, you stated it on the record earlier  
3 where Dominion had reached out to him originally,  
4 yes.

5 Q. Well, I want to be clear that it's not  
6 just me stating it. Are you aware that Dominion's  
7 counsel --

8 A. Yes, I am aware of that now.

9 Q. And you're aware that Dominion's counsel  
10 had a conversation with your counsel, Mr. Germany,  
11 today about this subject; right?

12 A. Yes.

13 Q. And we both understand that what actually  
14 has occurred is that Dominion approached me about  
15 engaging Dr. Halderman to work as an expert on  
16 their behalf and they would pay him for that work  
17 that he would do for them.

18 Do you understand that?

19 A. I don't know the timing of it. That's my  
20 basic -- so I didn't know that you were involved in  
21 it, no.

22 Q. All right.

23 A. That's new knowledge to me.

24 Q. Okay. Well, then I guess just to be  
25 clear, do you understand now that Dominion reached

1 out to affirmatively engage Dr. Halderman, that  
2 that was Dominion's outreach?

3 A. It would -- I do understand that, but that  
4 they sub -- eventually chose not to do that, if  
5 memory -- if I'm correct.

6 Q. All right. Well, that would be news to me  
7 if they chose not to do it.

8 A. I mean, they haven't yet; correct?

9 Q. Yeah. There you go.

10 A. Okay.

11 MR. CROSS: All right.

12 THE WITNESS: Okay.

13 MR. CROSS: Thank you, Mr. Sterling.

14 I appreciate that.

15 THE WITNESS: Thank you.

16 EXAMINATION

17 BY MR. MCGUIRE:

18 Q. Hello. Mr. Sterling, can you hear me?

19 A. Yes, Mr. McGuire.

20 Q. Hi, there.

21 MR. BROWN: And just -- and excuse  
22 me, Rob, but just for the record, this is  
23 Bruce Brown. And Rob, I just wanted to  
24 make this statement.

25 The reason why the C.G.G. plaintiffs

1 have two lawyers examining Mr. Sterling  
2 today is, by pre-agreement with the  
3 defendants' counsel, myself, Bruce Brown,  
4 I have a potential conflict of interest  
5 with one line of inquiry. And therefore,  
6 Mr. McGuire is going to take charge of  
7 that line of inquiry, and then I'm going  
8 to resume.

9 Thank you.

10 MR. BARGER: And Bruce, what is this  
11 potential conflict?

12 MR. BROWN: That's all I can say.  
13 Thanks.

14 MR. RUSSO: So y'all are going to  
15 both be taking the deposition due to  
16 you -- because you have a potential  
17 conflict?

18 MR. MCGUIRE: I just have a brief  
19 line of questioning that would cause a  
20 problem --

21 MR. RUSSO: I'm just --

22 MR. MCGUIRE: -- for Mr. Brown.

23 MR. RUSSO: -- trying to understand  
24 what's going on.

25 MR. BROWN: Yeah.

1 MR. RUSSO: I'm just trying to  
2 understand what's going on. If it will --

3 MR. BROWN: Rather than --

4 MR. RUSSO: (Inaudible due to  
5 cross-talk).

6 MR. BROWN: Rather than take up --

7 MR. RUSSO: -- if there's a potential  
8 conflict.

9 MR. BROWN: No. Because I didn't  
10 want to take up the time of Mr. Sterling  
11 or everybody else on this phone call, I  
12 cleared this with Carey Miller, your  
13 partner, yesterday.

14 MR. RUSSO: And you explained to him  
15 the conflict?

16 MR. BROWN: I explained what I could,  
17 yes. And he said that would be fine and  
18 that he would tell you.

19 Thank you.

20 MR. RUSSO: Okay.

21 BY MR. MCGUIRE:

22 Q. Okay. Mr. Sterling, as Bruce said, I'm  
23 Robert McGuire. I'm counsel for the Coalition for  
24 Good Government, one of the counsel. And I wanted  
25 to ask you about the Secretary's publicly stated



1 But in general, it's up to them to  
2 keep the security up there. But then we  
3 have to deal with our counties to make  
4 sure they keep these things secure and  
5 away from things so there aren't people,  
6 you know, monkeying around with them for  
7 three days and a screwdriver, those kind  
8 of things.

9 BY MR. MCGUIRE:

10 Q. So it sounds like you're saying that  
11 access is key to whether or not there are  
12 vulnerabilities?

13 MR. RUSSO: Let me --

14 THE WITNESS: Not ex -- sorry.

15 MR. RUSSO: Just objection to the  
16 form of the question.

17 THE WITNESS: Not necessarily. That  
18 is a major component. Physical security  
19 is the, obviously the front line of all  
20 cybersecurity. And that's one of our main  
21 things we have to worry about at all  
22 times.

23 That's why we work with the counties  
24 to make sure they have these things under  
25 lock and key. Most counties have a

1 limited access log where you have to go  
2 into where these things are.

3 And as I stated previously, in a  
4 generalized way, every system in the  
5 world, be it ES&S, Smartmatic, Clear  
6 Ballot, anything that involves a computer  
7 somewhere in the process, be it a scanner,  
8 an E.M.S., a B.M.D., a D.R.E., any of  
9 those things, they're computers. Things  
10 can be done to computers by very smart  
11 people.

12 It depends on the access they get,  
13 the time they have, the knowledge they  
14 have. So all those things, you know, can  
15 happen, but you have to do what you can in  
16 a real world environment, in an election  
17 environment, in order to mitigate those  
18 risks.

19 BY MR. MCGUIRE:

20 Q. Is there some minimum amount of access  
21 that your office believes a bad actor would need to  
22 have in order to pose a risk to the system?

23 A. That's too broad of a question to really  
24 answer. I mean, it depends on which kind of  
25 vulnerability they're going to go after and also

1 actors, whether that's with hand-marked paper  
2 ballots or computers. So you always have to be on  
3 the lookout for that potentiality.

4 And you know, there's no way to ever know  
5 for certain if there's not a bad actor somewhere.  
6 But the vulnerabilities are across every kind of  
7 voting system manufactured by every manufacturer  
8 and every style.

9 Q. Okay. Besides government people, Dominion  
10 folks and the experts in this case, including  
11 Professor Halderman, are you aware of any  
12 unauthorized person who has obtained long-term  
13 access to Georgia's voting system, to any of the  
14 components or to the software?

15 MR. RUSSO: Objection to form.

16 THE WITNESS: When you say "voting  
17 system," are you referring to,  
18 essentially, all the components of the  
19 voting system, E.M.S.s, voter  
20 registration, I mean, every part and  
21 parcel?

22 BY MR. MCGUIRE:

23 Q. Yeah. That's what I'm --

24 A. I am --

25 Q. -- referring to.

1           A.    -- not aware -- I'm not aware of it, no,  
2           other than what was, I think Halderman was given,  
3           as I've learned from Fulton County.

4           There were claims of that in some specific  
5           cases. There was a claim that in Ware County  
6           somebody -- an independent auditor got ahold of it.  
7           But that turned out to be -- not to be true. They  
8           didn't misplace anything. There wasn't anything  
9           that was taken away.

10          But outside of that, no, I'm not aware of  
11          anybody having inappropriate access, no.

12          Q.    So your office investigated the Ware  
13          County incident and concluded that it was nothing?

14          A.    Yes. Because there was -- there was no  
15          incident. It just didn't happen. There was not a  
16          Ware County B.M.D. taken out. I mean, it just  
17          didn't happen.

18          Q.    Okay. And I assume your previous answer  
19          encompassed this, but just for clarity let me ask.  
20          Do you know of any unauthorized person who has  
21          imaged any component of Georgia's voting system and  
22          taken away copies with them?

23          A.    No.

24          Q.    Okay. Do you agree with me that, if  
25          someone had done that and thereby obtained

1 long-term access to the system, that that would  
2 create a real world risk?

3 A. Well, again, I don't know what you mean by  
4 "long-term access."

5 Q. Well, let's say someone had copied it and  
6 they had a copy of it --

7 A. What is --

8 Q. -- on an ongoing basis.

9 A. What is "it," Mr. McGuire?

10 Q. Let's say someone had imaged all of the  
11 software in the voting system, would that be --  
12 would that create a risk to the voting -- the  
13 security of the voting system?

14 A. Well, there are several different pieces  
15 and parts they would have to image from each  
16 individual component necessarily. And even if they  
17 did, we have 159 counties with over 18,000  
18 different ballot styles with different passwords  
19 that are changing for each one, they change from  
20 election to election.

21 That would be a risk and vulnerability  
22 that we would probably have to figure out some way  
23 to mitigate if that was the case. We have no  
24 evidence that that's the case. And I'm not -- I am  
25 not a cybersecurity expert, so I don't know what

1 the long-term possibilities of that is.

2 I do know that having 159 counties with  
3 over 18,000 different ballot combinations, and  
4 knowing that our voter registration system is  
5 completely separated from the election machinery, I  
6 mean, it'd be -- it would be very difficult to get  
7 every thing imaged for every single individual one  
8 and then go back and do things that became  
9 undetectable, from my understanding of how these  
10 systems all work, without triggering something  
11 along the way or having something that would just  
12 be, for lack of a better word, noticeable.

13 (Whereupon, Plaintiff's  
14 Exhibit 12 was marked for  
15 identification.)

16 BY MR. MCGUIRE:

17 Q. So I'm going to share with you an exhibit  
18 which is in the form of a recording. And I  
19 don't -- I haven't done this before with the audio,  
20 so I'm not quite sure whether it's shared. I've  
21 introduced it as an exhibit, and I'd like to see  
22 if --

23 A. Uh-huh.

24 Q. -- you see it.

25 A. Let me go look real quick.

1 Q. It's Exhibit 12. Well, it's showing up as  
2 Exhibit 2012, it looks like, but it should only be  
3 12, but. It's at the bottom.

4 A. I've got it. Exhibit 2012 is Exhibit 12,  
5 CGG Recording?

6 Q. Correct.

7 A. Is that the one?

8 Q. That's the one.

9 A. Okay.

10 Q. I'd like you to open that and play it.  
11 It's two minutes and 35 seconds.

12 A. Okay.

13 (Whereupon, an audio recording was  
14 played.)

15 THE WITNESS: All right.

16 BY MR. MCGUIRE:

17 Q. So Mr. Sterling, were you able to hear the  
18 whole recording?

19 A. Yes.

20 Q. And there are two voices on that call;  
21 right?

22 A. Apparently. Sounds like it.

23 Q. So I'm going to represent to you that the  
24 female voice was that of my client, C.G.G.'s  
25 executive director Marilyn Marks.

1 A. I thought I recognized it.

2 Q. Yeah. Do you recognize the male voice on  
3 the recording?

4 A. I do not.

5 Q. Okay. Before this call, before you  
6 listened to this recording, which is an excerpt,  
7 has the Secretary's office been aware of the  
8 alleged imaging that the male caller claims he did  
9 in Coffee County?

10 A. I don't think he's claiming he did it. I  
11 think he was claiming that somebody came down from  
12 Michigan and did it. I knew that there were claims  
13 in and around Coffee County that were numerous,  
14 voluminous. And I know our investigations team  
15 looked into it down there. But I don't know the  
16 specifics of the outcome of that or what came of  
17 that.

18 And I believe Misty, the elections  
19 director, officially lost her job because she was  
20 falsifying timesheets, not anything to do with this  
21 kind of item.

22 Q. Okay. So there has -- there has been an  
23 investigation of the incident that was discussed in  
24 that recording?

25 A. Or something -- I mean, Coffee County was



1 problematic. I mean, she also did a video where  
2 she -- I think she had her credentials up on the  
3 screen. But I mean, I'd have to go back and look  
4 at the specifics of them. I don't know what came  
5 of it.

6 But here's the issue we had, Mr. McGuire,  
7 is we had claims up and down the state like this in  
8 Ware County, things like that, of those kind of  
9 issues and people demanding forensic audits, not  
10 understanding what a forensic audit was.

11 So I am not aware of the specifics of what  
12 the outcome of that investigation was or if they  
13 were specifically looking if somebody imaged those.  
14 I know that they -- we sent investigators to Coffee  
15 County for several different items. I believe that  
16 was one of the ones amongst them.

17 Q. Okay. But you're not aware of any  
18 findings of -- in connection with whether the  
19 equipment was all imaged?

20 A. I'm not aware of it off the top of my  
21 head. I would have to go back and check with our  
22 investigations team.

23 Q. Okay. Are you aware of any efforts  
24 undertaken to mitigate potentially unauthorized  
25 access to that equipment?

1           A.    Well, like I said, every county, we have  
2   S.E.B. rules and laws that surround all these  
3   things.   So if anybody said, hey, go ahead and copy  
4   these things, they would have been in violation of  
5   both the law and the S.E.B. rules.

6           Q.    Okay.  And I believe -- I believe you  
7   answered this question, but was the male -- I  
8   presume the male caller was not authorized by the  
9   Secretary to do the imaging that he claims was done  
10  in Coffee County?

11          A.    Again, it doesn't sound like he wasn't  
12   claiming that did it from my listening to it.  He  
13   claims somebody from Michigan had come down to do  
14   it, it sounded like.  So no, that -- no one was  
15   given authorization to go do imaging of equipment.

16          Q.    Okay.  Is it -- I'm going to represent to  
17   you that this call took place in March of 2021.  So  
18   it's been more than a year -- almost a year since  
19   the re -- since the call took place.

20                And he was obviously referring to  
21   something that had happened previously; correct?

22          A.    Yes.

23          Q.    So if the male caller was telling the  
24   truth on that phone call about the imaging of this  
25   system and components, whether it was by him or

1 somebody else, then you'd agree that he had longer  
2 access at this point to whatever those images are  
3 than Professor Halderman had access to the  
4 equipment from Fulton County; right?

5 MR. RUSSO: Robert, have you guys  
6 produced this call in the case?

7 MR. MCGUIRE: I don't -- I don't  
8 know. I don't believe it has been. But  
9 you certainly have it here as an exhibit.

10 MR. RUSSO: Okay. And just so  
11 we're -- is this a -- is it a full  
12 transcript or is this the whole thing  
13 or --

14 MR. MCGUIRE: You have what I have at  
15 the moment.

16 MR. RUSSO: Okay. I just wanted to  
17 make sure he understood the whole -- the  
18 whole call.

19 MR. MCGUIRE: Sure.

20 THE WITNESS: So I'm sorry. Can you  
21 go back and ask that question again?

22 BY MR. MCGUIRE:

23 Q. So --

24 A. I apologize.

25 Q. So sure. Let's assume the male caller was

1     telling the truth about the imaging happening.   If  
2     that's true, then you would agree with me that he's  
3     had access to that image, or whatever was taken, or  
4     whoever took it had access to whatever was taken  
5     for longer at this point than Professor Halderman  
6     had access to the Fulton County equipment; correct?

7           A.    I'm not going to accept the fact this guy  
8     was telling the truth, because I've had so many  
9     people lying through their teeth around a lot of  
10    these things.

11           However, you're saying he could have had  
12    the image.   I believe that Professor Halderman had  
13    the actual equipment itself, which would have given  
14    you the ports and the other things you would need  
15    in order to test and do some of these things to  
16    attempt to do alterations of the software itself.

17           So I think it's an apples and oranges kind  
18    of comparison.

19           Q.    Sure.   But you'd agree with me that he's  
20    had that image for at least as long and probably  
21    longer than Halderman had access to the equipment  
22    in Fulton County?

23           A.    I don't agree with that, because I don't  
24    accept the premise that he has it.

25           Q.    All right.

1           A.     And if he did, if he is telling the truth  
2     and these magical technical people were -- got  
3     these images and walked away with them and nobody  
4     investigated to find out what they were, then he  
5     potentially could have the images longer. But I  
6     don't know if that's enough in and of itself.

7                 So like I said, like an apple -- it's an  
8     apples and oranges comparison.

9           Q.     Right. And I understand you don't know  
10    whether this person is telling the truth, so I want  
11    you to assume for the purpose of my question that  
12    he is.

13          A.     Okay.

14          Q.     Assuming he is telling the truth about  
15    what he asserted in the call, would you agree with  
16    me that he could have shared that with virtually  
17    anybody by now? Whatever he --

18          A.     Yes.

19          Q.     Whatever was taken away could have been  
20    shared with anybody by now?

21          A.     Yes.

22          Q.     Okay. So can you tell me, when was the  
23    last time you were aware of any activity in the  
24    investigation of Coffee County?

25          A.     Months ago. I mean, 2021 at some point.

1 Q. Is it -- is it an ongoing investigation or  
2 is it -- is it -- has it reached a tentative  
3 conclusion?

4 A. I would have to check. I don't want to  
5 speculate. I mean, we have 50 continuing open  
6 investigations. Coffee County doesn't strike me as  
7 one that's still open, if memory serves. But  
8 again, I don't want to speculate. It could be  
9 open, but I believe it's not. I believe it's all  
10 closed down there.

11 Q. Okay. Have there been any other  
12 investigations of any other counties for similar  
13 kinds of things?

14 A. Calling things similar in this situation,  
15 we had Morgan County where there was an issue  
16 around the poll pad usage. We had Spalding County  
17 with a similar situation. I'm not aware -- and  
18 then we had the Ware County claim.

19 But outside of that, I'm not aware of  
20 anything. It doesn't mean it doesn't exist. It  
21 doesn't mean there might have been a claim of such.  
22 And it doesn't mean there may or may not have been  
23 an investigation.

24 I'm not aware of anything that had bubbled  
25 up to say, yes, this is a substantive issue; yes,

1 this is a problem; yes, we need to do something  
2 about this. I'm not aware of any of that. Nothing  
3 has bubbled up from the investigations side to the  
4 leadership of the Secretary of State's office.

5 Q. And I think you said earlier that the  
6 election director, Misty Martin, or Misty Hampton I  
7 believe, she goes by both --

8 A. She got married sometime in the middle, so  
9 I'm not sure which name is her maiden name and  
10 married.

11 Q. But we know we're talking about the same  
12 person; right?

13 A. Correct. Yes.

14 Q. So are you -- are you telling me that her  
15 termination had nothing to do with whatever the  
16 allegations are that were in the call I just  
17 played?

18 A. It's my understanding she was terminated  
19 for falsifying timesheets is what I -- if memory  
20 serves what it was.

21 Q. Okay. And that's it? Anything else?

22 A. Not that I'm aware of.

23 Q. How about Newton County, are you aware of  
24 any allegations about images being made of  
25 equipment and software in Newton County?

1 A. No.

2 Q. And you said there were no other counties  
3 that where you were aware of that happening, other  
4 than --

5 A. Correct.

6 Q. -- potentially Morgan, Ware, and I think  
7 you said Spalding?

8 A. Yeah. But that was a different kind of  
9 thing. I was thinking about places around  
10 equipment where there was an issue. And those were  
11 not anything having to do with people imaging  
12 stuff.

13 I apologize if you took my answer to mean  
14 that I was thinking anything equipment related.  
15 And those were the, some of the ones I was thinking  
16 about.

17 Q. So you're not aware of anything related to  
18 equipment copying or imaging of software,  
19 imaging --

20 A. Correct.

21 Q. -- of devices?

22 A. Correct.

23 Q. Okay. Are you aware of any counties  
24 receiving requests after the 2020 election for  
25 people to come and image their equipment and



1 software?

2 A. Yes.

3 Q. And what counties are you aware that that  
4 happened in?

5 A. I'd hate to try to number them at this  
6 point, because I'm sure that there were --  
7 President Trump and the individuals around him  
8 stirred up lots of emotions to follow conspiracy  
9 theories and disinformation and misinformation  
10 around Dominion Voting Systems.

11 I'm sure that there were E-mails received  
12 by every single county to demand a forensic audit  
13 and all the things that go with that, even though  
14 people really couldn't define what a forensic audit  
15 was. So I would probably venture to guess that 159  
16 counties received a call from somebody to do that.

17 Q. And are you aware of any specifically  
18 that, you know, passed those requests along to the  
19 Secretary of State's office or got advice or  
20 guidance from the Secretary's office?

21 MR. RUSSO: Objection to form.

22 THE WITNESS: No. I mean, I think  
23 just in general, for lack of a better  
24 word, follow the rules, follow the law,  
25 you know, keep the system cordoned off and

1 safe.

2 And that -- our elections directors  
3 are a -- are for the most part a very  
4 good, functional crew that defend the  
5 integrity and the security of the systems.

6 MR. MCGUIRE: Okay. All right.  
7 Well, that's really all I had. And I'm  
8 going to turn it over to Bruce now. But I  
9 appreciate your time. Thank you.

10 THE WITNESS: Thank you.

11 EXAMINATION

12 BY MR. BROWN:

13 Q. Good afternoon, Mr. Sterling. My name is  
14 Bruce Brown, and I represent the plaintiffs C.G.G.  
15 in this case.

16 Could you -- I'm going to return to the  
17 issue of the State's voter registration system that  
18 you testified about a bit when Mr. Cross was  
19 examining you. Excuse me.

20 The -- when did the State begin to think  
21 about procuring a new voter registration system?

22 MR. RUSSO: And I'm going to object  
23 as outside the scope of the 30(b)(6)  
24 topics. But while -- since we have  
25 Mr. Sterling here, you can go ahead and

1           Why don't -- why isn't your attitude about  
2       cybersecurity the same as you express it to be with  
3       respect to this?

4           A.     Because it is -- I'm sorry.

5           MR. RUSSO:   Bruce, you've been  
6       testifying most of the time, and now  
7       you're arguing and being argumentative and  
8       testifying.

9           MR. BROWN:   I'll take that as a  
10      compliment.

11   BY MR. BROWN:

12          Q.     Can you answer the question?

13          MR. RUSSO:   So yeah, there are  
14      certain topics here for the 30(b)(6) which  
15      Mr. Sterling is here for. This topic is  
16      not. But we would like to be able to move  
17      forward and, if possible --

18          MR. BROWN:   I'll --

19          MR. RUSSO:   -- can we get it --

20          MR. BROWN:   Okay.

21   BY MR. BROWN:

22          Q.     Just answer the question. You -- I'm not  
23      going to pick on you, Mr. Sterling. You did say  
24      quite fairly that your description of  
25      Dr. Halderman's report, which you still haven't

1 read, was "a load of crap" was a punchy line and it  
2 was motivated by an understandable frustration with  
3 criticism of a system because it's not absolutely  
4 secure; correct?

5 A. No. I think it's because people are  
6 trying to undermine everybody's -- you want to know  
7 my underlying emotional thought on this, Mr. Brown?  
8 Is that for several years now in this state many  
9 people have made claims that I don't believe are  
10 justifiably accurate.

11 And that started in 2018, started in 2017,  
12 even 2016, when you had people claiming that people  
13 were -- Russians were hacking machines and flipping  
14 votes to Hillary Clinton.

15 I had a democrat state representative who  
16 has been combative with me in the past ask a  
17 question about the report in a way that was  
18 intended to be political as a gotcha question. So  
19 you're right, my initial reaction was a punchy go  
20 back right back at him because you can't take the  
21 politics out of politics.

22 And this report was not presented in such  
23 a way as to be, hey, here's a helpful situation.  
24 It is underlying trying to undermine Georgians' and  
25 Americans' faith in the overall system. So yes, I

1 take everything with a grain of salt coming out  
2 from that path.

3 But we do take cybersecurity and all  
4 security seriously. It's at the forefront of our  
5 discussions every day when we talk about how we're  
6 implementing the system and what we can do to make  
7 it better.

8 And like I said, I now am aware, too, that  
9 Dominion has this, and engineers are looking at it  
10 and seeing if there are -- as with every  
11 computerized system in the world with elections,  
12 there's going to be some vulnerabilities. You have  
13 to do your best to mitigate them and get ahead of  
14 them.

15 So if there is anything that comes out of  
16 that, I know that Dominion will be happy to do  
17 that. And it's their responsibility to bring those  
18 to the Secretary of State's office. And if we  
19 discover something independent of them, it's our  
20 responsibility to take it to them.

21 And Debra, I apologize, and I realize I'm  
22 talking really fast right now. So.

23 So to that point, the "load of crap" thing  
24 was an emotional quick punch, because every kind of  
25 criticism like that I've seen is based on there are

1 bad actors. If there's bad actors, nothing is  
2 secure. No system is secure.

3 And that's the -- and that's the  
4 underlying issue when I say that that was what I  
5 was -- my intention at the time. If I learn more  
6 after reading it or seeing it and people who are  
7 frankly going to be smarter than me who understand  
8 the specifics of it and might find a way to  
9 mitigate these things or make them better, yes,  
10 obviously Dominion will bring those to us and we  
11 would work with them to see what we could make  
12 happen.

13 Q. The -- let me follow up. There's a lot of  
14 common ground here, believe it or not,  
15 Mr. Sterling. I think that we can agree that it's  
16 important that a voting system actually has  
17 integrity and security and that it's perceived by  
18 voters to have integrity; correct?

19 A. Yes.

20 Q. Therefore, it is damaging and bad for  
21 irresponsible and false claims of insecurity to be  
22 advanced; correct?

23 A. Or claims made with no evidence, yes.  
24 Both of those things would be things that I think  
25 would be damaging and unnecessary.

1 Q. But it's also crucial to investigate fully  
2 potentially meritorious claims about system  
3 security and to mitigate any vulnerabilities found  
4 if possible; right?

5 A. State your question because I -- there's a  
6 statement in there, but I don't think I disagree  
7 with it. But what are you trying to ask  
8 specifically?

9 Q. Well, it's crucial to election security to  
10 take -- to take things like Dr. Halderman's report  
11 seriously and to mitigate whatever vulnerabilities  
12 are found if mitigation is possible; correct?

13 A. I would lean on our contractors to look at  
14 it and see if there is vulnerabilities there to  
15 tell me whether or not something would be taken  
16 seriously or not.

17 Q. And what --

18 A. I would take anything, anything that's --  
19 has a found -- a substantive foundation that was  
20 outside of the already existing grounds of  
21 mitigation to see if any other mitigation might be  
22 necessary or proper as long as it doesn't interfere  
23 with the process of the elections themselves or the  
24 ability of our county workers to run the election  
25 or voters to vote in the election.

1 Q. There might be some vulnerabilities just  
2 in the abstract that would convince even you that  
3 you can't use the system; correct?

4 A. Not given the current situation, I  
5 seriously doubt that.

6 Q. So --

7 A. Knowing the complexities of our system and  
8 everything, I mean, I would be -- I would be -- it  
9 would take a lot.

10 I'm sure that there is some level out  
11 there in some world where, yes, this is so insecure  
12 you can't use it. I do not believe that to be this  
13 system. And if it was the case for this system, it  
14 would be the case with any system using a computer.

15 Q. Well, don't get me going there. But we're  
16 talking about this system, I would --  
17 theoretically, I think there's a lot of people who  
18 would agree with the latter statement that you  
19 made, that anything that uses a computer will  
20 remain vulnerable. But we're talking about the  
21 Dominion B.M.D. system.

22 And what evidence would it take for you to  
23 decide, okay, I didn't know that, now I know that  
24 and we can't use the system anymore? Just give me  
25 a --



1 recess.)

2 THE VIDEOGRAPHER: Back on the record  
3 at 4:16.

4 BY MR. BROWN:

5 Q. I wanted to go back to a statement that  
6 you'd make about Dr. Halderman's report. And I  
7 believe you said something to the effect that his  
8 report was not presented in a way to be helpful to  
9 the situation, it was trying to undermine Georgia's  
10 faith in the election system.

11 Did you mean that?

12 MR. RUSSO: I'm -- do you know where  
13 he said that? Are you talking about  
14 today?

15 BY MR. BROWN:

16 Q. Did you say that? Do you recall saying  
17 that?

18 A. Did I say that about five minutes ago,  
19 something along those lines?

20 Q. Yeah.

21 A. Yeah, I remember saying something along  
22 those lines. And I meant we're in an adversarial  
23 issue right now. And I don't know, and this is why  
24 I think I don't know, I don't know if it was  
25 submitted to C.I.S.A. in the way you can do -- I

1 don't -- there's a name for it where you basically  
2 say I'm giving you a vulnerability and I want to be  
3 reported for it, here you go, that's more I'm  
4 saying it here's the problem.

5 I did mean that in the context of which  
6 we're discussing it right now, yes.

7 Q. So you think that Dr. Halderman, the  
8 purpose of him doing that was to undermine faith in  
9 Georgia's election system, seriously?

10 A. I think the purpose of this lawsuit is to  
11 do things like that, yes, to force us to do a  
12 change.

13 Q. Okay. That's different than undermine --  
14 than the purpose being to undermine the people's  
15 confidence in the system.

16 A. I think it's the same.

17 Q. Okay. Let me take you back a couple of  
18 years. When we sued to have the D.R.E.s  
19 disallowed, your people said the same thing. And  
20 that --

21 MR. RUSSO: Objection to form.

22 BY MR. BROWN:

23 Q. That is that our suits are lousy and all  
24 we're trying to do is destroy the faith in the --  
25 Georgia's election system. That is what we heard

1 see that Dominion --

2 A. If the -- I'm sorry. Do you have another  
3 question, or do you want me to answer the first  
4 question you just asked?

5 Q. The one you -- the one I just asked.

6 A. Okay. Let's do a series of suppositions  
7 here. If there is an actual vulnerability pointed  
8 out in this, we would work with Dominion to try to  
9 mitigate it if it was something that could be  
10 mitigated.

11 Q. And if it --

12 A. Or if it was --

13 Q. If it wasn't, what would you do?

14 A. If it wasn't something that -- well, it  
15 depends. You said it wasn't -- could be mitigated  
16 or if there was a cost to it. I'm not going to  
17 speculate on something I haven't read. But if  
18 there was something there, yes, we would work to  
19 mitigate it.

20 My point is, bringing it up in this highly  
21 adversarial situation that's been now going on  
22 since 2017, as I understand it, and yes, this case  
23 has un -- has helped to undermine people's faith in  
24 the elections.

25 This case was cited by President Trump and

1 Sidney Powell and Lin Wood. So yes, all those  
2 things are true. It may not have been your intent.  
3 And I'm not going to go to the intent. I'm saying  
4 about the -- I'm talking about some of the outcomes  
5 here.

6 Q. But you would agree that you're not trying  
7 to promote a false sense of security in your system  
8 by just completely rejecting any criticism of it;  
9 right? You're looking at those criticisms  
10 seriously; right?

11 A. It -- well, I will be honest. It depends  
12 on who -- from whom they are coming and their basis  
13 of fact and where they are positioned in relation  
14 to our office oftentimes, I mean.

15 But yes, just because somebody is your,  
16 quote, unquote, opponent doesn't mean they could --  
17 they're 100 percent wrong every time.

18 Q. Particularly when your own --

19 A. Do I take it with more of a grain of salt?  
20 Yes.

21 Q. But particularly when your own expert,  
22 your own expert agrees with his findings; right?

23 A. Again, I'm not privy other than you saying  
24 that. And again, it's in Dominion's hands right  
25 now. These things have to be vetted out and looked

1 at and then can things be done either through  
2 programming or physical mitigations. I don't know.

3 But yes, if something was real, my  
4 assumption is we would do things to mitigate it to  
5 assure the continued security of our system, which  
6 I think has been proved through this election so  
7 far and every election we've run them in, starting  
8 with the pilots in 2019, the presidential  
9 preference primary, the joint primary in June, the  
10 general election in November, the elections in  
11 January and the municipals in 2021.

12 Q. But the basis for your statement that he  
13 prepared the report for the purpose of undermining  
14 voter confidence is simply because he was engaged  
15 as the plaintiffs' expert, is that it? Or do you  
16 have some other basis for such a serious charge to  
17 make?

18 A. Mr. Brown, we are in an adversarial  
19 situation here. He is an expert from the, quote,  
20 unquote, the other side. So yeah, that is the  
21 outcome, the literal outcome of this.

22 And especially with the way it was  
23 discussed in the press before -- when it was still  
24 lawyers' eyes only was from my point of view, my  
25 personal opinion, intended to undermine people's

1 faith in the elections in this state.

2 Q. Did you know that the Secretary of State  
3 objected to Mr. Hal -- Dr. Halderman submitting his  
4 report to C.I.S.A.?

5 A. I don't remember. I remember at the time  
6 something like that happened, but I can't remember  
7 what the rationale was at -- was for it.

8 Q. Are you aware of reports of the Dominion  
9 software being copied out of Michigan and out of  
10 Colorado?

11 A. I'm aware that there was a claim of that  
12 in Michigan. I never saw evidence of that. I  
13 believe the claim in Colorado was more -- had more  
14 substantive -- but I'm not sure which Democracy  
15 Suite version it was. I don't know if it was our  
16 version or some other version.

17 Q. And what difference does it -- and what  
18 difference does -- might it make?

19 A. If it's a different version, it could have  
20 very different items to it and how it's supposed --  
21 the work flows and things internal to the systems.  
22 That would make a pretty sizable difference if  
23 you're trying to, quote, unquote, hack a system.

24 Q. And you don't know which is which, whether  
25 either of those systems is the system that Georgia

1 was using -- is using?

2 A. I think Colorado is close to ours, but I  
3 think they're on a different version. I could be  
4 wrong on that.

5 Q. Okay. Has the -- has the Secretary  
6 investigated the significance from a security  
7 standpoint of that software being released to the  
8 public, either from --

9 A. Is it --

10 Q. -- Michigan or Colorado?

11 A. Not specifically, no.

12 Q. Generally?

13 A. Not that I'm aware of.

14 Q. Generally?

15 A. Gen -- no. Not that I'm aware of.

16 Q. I mean, sitting here today shouldn't he do  
17 so?

18 A. I'm not going to speculate on that,  
19 Mr. Brown, because you're giving me stuff that I  
20 don't necessarily know to be true. Like I said, in  
21 Michigan I'm not sure it was actually copied.

22 In Colorado there was a claim of that, but  
23 I'm not sure if it was actually, it mirrored and  
24 sent to somebody else. I have no specific  
25 knowledge to that front. You may have more

1 information than me on the front.

2 Q. Well, who in your office is looking at  
3 that, if anybody?

4 A. Well, I and Ryan Germany talked to  
5 Dominion about some of these items. And I'm not  
6 aware of anything right now where a major concern  
7 has been raised because of that.

8 Q. Okay. Your big defense to the relevancy  
9 of Dr. Halderman's report is that he had all the  
10 time in the world to hack it, so what. And yet now  
11 we know that potentially a lot of people could have  
12 at least very similar software, and you and the  
13 lawyer, Ryan Germany, are just sort of talking  
14 about it at the water cooler and not doing anything  
15 about it?

16 MR. RUSSO: Objection. Bruce, I  
17 mean, stop arguing with the witness and  
18 ask your questions.

19 MR. BROWN: I did.

20 MR. RUSSO: No, you didn't.

21 THE WITNESS: Mr. Brown, can you  
22 ask -- can you state your question?

23 BY MR. BROWN:

24 Q. Is that -- so you're really not doing a --  
25 I mean, I'm sort of aghast.



